# ANYORG: Whistle-blowing Policy

##### Approved by Board, [date]

#### Purpose

The purpose of this policy is to ensure that workers at ANYORG understand:

* The precise circumstances in which they are entitled to break with the normal requirements of confidentiality in by disclosing information in the wider public interest
* The suggested procedure to be followed in such a situation, and
* The degree of protection from victimisation to which they are entitled under the [Public Interest Disclosure Act 1998](http://www.legislation.gov.uk/ukpga/1998/23/contents)
* ANYORG’s commitment on this issue

#### Policy statement

The ANYORG Board of Trustees starts from the position that any concerns on matters of public interest (even if they subsequently turn out to be unfounded) are concerns that should be shared by the charity’s managers and Board, and that can be addressed effectively through the charity’s internal procedures.

However, it also recognises that organisations can sometimes abuse their power, and that individual workers should and do have the legal right to take their concerns outside the organisation, without fear of victimisation, when acting within the framework set out in this Policy.

#### Scope of the policy

ANYORG staff, secondees, volunteers and free-lance contractors are all protected from disciplinary action or other penalty for breach of confidentiality, provided they make a **protected disclosure** using a **protected route** (see below).

#### Related policies

* Confidentiality Policy
* Safeguarding Policies and Procedures (Adults and Children)
* Grievance Procedure (for paid employees)
* Complaints Policy and Procedure (for other workers)

#### External guidance

Any worker considering a public interest disclosure may wish to seek advice from the whistle-blowing support charity [Protect](https://protect-advice.org.uk/) (020 3117 2520).

#### Protected disclosures

Disclosures are protected when a worker reasonably believes that one or more of the acts listed below have happened or are likely to happen:

* A criminal offence
* Failure to comply with any legal obligation
* A miscarriage of justice
* Danger to an individual’s health or safety
* Damage to the environment, or
* Deliberate concealment of information tending to show any of these

#### Protected routes

Disclosures are protected if they are made using only one or more of the protected routes set out below:

* ANYORG’s internal procedures (see below for more detail)
* Someone else that the worker believes in good faith to have a legal responsibility for the matter in question
* A **prescribed person** under [the Public Interest Disclosure (Prescribed Persons) Order 1999](http://www.legislation.gov.uk/uksi/1999/1549/schedule/made) (this list includes the Charity Commission, the Data Protection Registrar, the Environment Agency, the Health and Safety Executive, HMRC)

Other disclosures (e.g. to an MP or the media) are only protected if the worker:

* Makes the disclosure in good faith, and
* Reasonably believes the information disclosed is substantially true; and
* Does not make the disclosure for personal gain, and
* Is acting reasonably in all the circumstances, and
* EITHER reasonably believes that disclosure to ANYORG will result in victimisation or loss of evidence OR has already tried the protected disclosure routes without appropriate action being taken

#### Recommended procedure

ANYORG recommends that any worker with concerns on a matter of public interest should, in the first instance, use one of its established problem-solving procedures:

* Grievance Procedure (in the case of paid employees)
* Complaints Procedure (in the case of volunteers and other workers)

If the worker reasonably believes that lower stages of these procedures are not appropriate, they may by-pass these and write directly to the Chair, marking their letter PRIVATE and CONFIDENTIAL.

We will protect the identity of the complainant insofar as it is possible to do so whilst carrying out a meaningful investigation, and we would expect the complainant to collaborate in any such investigation. We will treat anonymous allegations as carrying less credibility, although we may still opt to investigate at our own discretion.

We recognise that if a complainant is dissatisfied with the outcome of any internal investigation, they are entitled to use another protected route.

#### Disciplinary issues

ANYORG will support and protect any worker raising legitimate concerns through legitimate routes as set out above.

However, in the event of any worker making a breach of confidentiality that is not protected, ANYORG will review all the circumstances (including the impact of the disclosure on service users, funders and fellow-workers) and may consider disciplinary action. Such action will not be taken lightly, and is likely to be reserved for situations where allegations appear to have been made with malicious intent or with reckless disregard for confidentiality or truth.