

Whistle Blowing Policy

1. Statement

Path is committed to fairness, transparency and good governance and sees all members of staff actively contributing to that approach. One implication of that is identifying and addressing wrong-doing. Path therefore encourages all of its employees to raise any serious concerns about Path's work or the actions of Path's employees without fear of harassment or victimisation.

The legal framework which this policy operates under is The Public Interest Disclosure Act 1998.

2. Context

When someone has a concern, they may not be immediately clear as to whether and how to raise it. Because Path values the raising and exploration of concerns, members of staff are welcome, but not obliged, to first discuss issues with their line manager or – if preferred – another manager. They can then determine the best course of action.

For instance, Path has a Grievance policy which allows staff to lodge a grievance about their own employment and treatment. This Whistle Blowing policy is intended to cover any serious concerns that employees may have which fall outside the scope of the Grievance policy and other policies.

3. Concerns which could lead to action under whistleblowing

Concerns include the following but the list is not exhaustive:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or other abuse of clients
- Other unethical conduct

- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong
- A miscarriage of justice
- Failure to meet a legal obligation

It may be the issue, itself, of the lack of action to address an issue when it has been raised that causes concern, especially deliberate concealment of any of the above. In other words, a safeguarding concern would be raised through that mechanism (safeguarding); but failure to respond adequately may lead to whistle blowing.

Path will treat all concerns in confidence and will make every effort to protect an individual's identity and well-being when raising a concern. However the investigation process may well reveal the identity of the source or the whistleblower may need to be called as a witness to the investigation. Allegations expressed anonymously are often less powerful but they will be considered at the discretion of Path.

Factors to be taken into account will include:-

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

It should be noted that:

- Staff must disclose the information in good faith.
- Staff must believe it to be substantially true.
- Staff must **not** act maliciously or make false allegations.
- Staff must **not** seek any personal gain.

4. Victimisation

Path will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect whistleblowers when a concern is raised in good faith.

5. Raising a concern

Path employees are encouraged to raise any concern with the following persons in order of preference: Line Manager, Development Manager, Director (and, ultimately, chair of trustees). However if the employee believes that any of these persons are

implicated in the concern, they should raise their concern with the next preferred person.

Concerns should be put in writing, giving details of the concern (what the concern is), who may be involved actively or in terms of omission, the date and whereabouts of any act (if relevant; ie if something has been or is being done) and the date reported.

6. Path responses

Within 10 days of receipt of a concern, Path will confirm in writing that the concern has been received. Path will inform the employee whether further investigations will take place and, if not, the reasons why. Some concerns may be resolved without need for further investigation.

The initial enquiry will be carried out by the Manager with whom the concern was raised. If further formal investigation is needed, this will be led by the Development Manager.

When a meeting about the concern is arranged, employees have the right to be accompanied by a union representative or friend who is not involved in the matter.

Where relevant, Path will involve other bodies, such as the police, working to ensure that issues, and especially any illegalities, are addressed thoroughly.

Path accepts that staff members need to be reassured that the concern raised has been properly addressed. Subject to legal constraints, the employee raising the concern will receive information about the outcomes of any investigations.

If any employee raises a concern in good faith which is subsequently not confirmed by an investigation, no action will be taken against them. However, if employees make malicious or vexatious allegations, disciplinary action may be considered and implemented.

7. Outcomes

Path aims to learn from all feedback and improve systems and practice. If wrong-doing has taken place, responses may include:

- Training of those involved
- Improvements to procedures or information
- Use of disciplinary procedure, if relevant
- Work with any outside bodies, as needed

At all times, Path will seek to value and learn from concerns raised.

For more information

[Report serious wrongdoing at a charity as a worker or volunteer - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Path/Mar2013/Nov2015/Jan2017/Dec2021