

Policy Number 17

Whistleblowing Policy

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Whistleblowing Policy

1. Introduction

Diabetes UK conducts its business at all times with the highest standards of integrity and honesty. It expects all its employees to maintain the same standards in everything they do. It is important to Diabetes UK that any fraud, misconduct or wrongdoing by employees of the Organisation is reported and properly dealt with. Diabetes UK therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Aim

The aim of this policy is to:

- enable and encourage employees to raise genuine concerns about possible wrongdoing at work without fear of reprisal and to reassure workers that such matters will be dealt with seriously and effectively by Diabetes UK internally;
- allow Diabetes UK to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so in line with the Diabetes UK Disciplinary & Grievance Policy and Procedure.

It is particularly important to state that this policy is separate from Diabetes UK's Disciplinary & Grievance Policy and Procedure, which relates to general concerns which an employee may have about their own personal circumstances. This Whistleblowing Policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to management's attention. These may not necessarily be related to the whistleblower's area of work.

3. Application

This policy applies to all employees, permanent or temporary, at Diabetes UK.

4. The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice);
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Diabetes UK encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or their HR Business Partner.

5. Procedure

5.1 Who to disclose to

- 5.1.1 In most cases, an employee should raise any concerns they may have internally within Diabetes UK. Any matters not covered by the Act or, therefore, this policy, will be dealt with by using Diabetes UK's [Disciplinary & Grievance Policy and Procedure](#) or [Bullying and Harassment Policy](#) (as appropriate).
- 5.1.2 If appropriate, an employee should discuss his/her concerns with his/her line manager. An informal approach to the line manager will be treated in the strictest confidence. It will not result in a report to anyone within Diabetes UK without the employee's agreement, except where the line manager believes that the issues raised are so serious that further action may be required. Where this is the case, the line manager will refer it to their Director and the HR Business Partner.
- 5.1.3 If an employee feels it is inappropriate to raise his/her concerns with his/her line manager in the first instance (for example, if their concerns are about their line manager's actions or if they are so serious that they should be escalated to someone at a more senior level within Diabetes UK), then he/she should speak to his/her Director or HR Business Partner in the first instance instead. All such

approaches will be treated in the strictest confidence. They will not result in a report to anyone within Diabetes UK without the employee's agreement except where the Director or the HR Business Partner (as applicable) believe that the issues raised are so serious that further action may be required. Where this is the case, they will refer it to the Chief Executive of Diabetes UK.

- 5.1.4 If the employee remains unhappy about the speed or conduct of any further action taken or the way in which their concerns have been resolved, he/she should refer the matter to the Chairman of the Board of Trustees of Diabetes UK.
- 5.1.5 If an employee feels it is inappropriate to raise his/her concerns directly with anyone who is part of the day-to-day management of Diabetes UK, then he/she is quite at liberty to contact the Chairman of the Board of Trustees of Diabetes UK, by writing to them c/o Macleod House and marking the envelope Personal and Confidential. The envelope will then be forwarded unopened and the approach will be treated in the strictest confidence. The Chairman will then appoint the most appropriate board member to investigate.
- 5.1.6 An employee must not approach individuals involved in his/her disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.
- 5.1.7 Diabetes UK would urge employees to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external person or body. Legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
- HM Revenue & Customs;
 - the Financial Services Authority;
 - the Office of Fair Trading;
 - the Charity Commission;
 - the Health and Safety Executive; and
 - the Environment Agency.
- 5.1.8 Disclosures to the press will not be considered reasonable. They will constitute misconduct and will be treated as a disciplinary matter in accordance with Diabetes UK's [Disciplinary & Grievance Policy and Procedure](#).
- 5.1.9 If, at any stage in the procedures, employees are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at Public Concern at Work. This body is an independent Charity

staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on who else the worker may contact about what legal protection may be available. Public Concern at Work may be contacted at: www.pcaw.co.uk or by phone on 020 7404 6609. The Employee Assistance Programme (EAP) service is also able to offer free and confidential legal and practical advice to employees, they can be contacted on 0800 116 4361 or at www.friendslife.com/eap

5.1.10 Professional Associations and Trade Unions can also offer advice to members considering raising concerns.

5.2 Dealing with disclosures

5.2.1 If an employee reports a disclosure to Diabetes UK, the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented.

5.2.2 Diabetes UK believes that all employees should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If, contrary to this policy, they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, i.e. it may not be possible to protect unidentified people

5.2.3 The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required.
- Action being taken under other Diabetes UK policies and/or procedures.
- An internal investigation under this policy.
- A referral to the police.
- A referral to Diabetes UK's external auditors.
- A referral to the Charity Commission.
- An independent enquiry.

5.2.4 The responsible person to whom the disclosure is made will:

- Make a detailed record of the disclosure.
- Ask the employee to provide a written statement describing the precise nature of the allegations.

- Upon receipt of the written statement, decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the employee within five working days of making that decision. In their letter, they will acknowledge receipt of the complaint, provide information on who it has been referred to and details of who the employee should contact if they have any further questions.
- 6.1 Where further action is required under this policy in relation to an employee's complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigator will be a Departmental Director, the Chief Executive or a trustee of Diabetes UK (as appropriate on a case by case basis). However, Diabetes UK may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.
- 6.2 During the investigation, the employee who reported the disclosure may need to be called upon for interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.
- 6.3 Once the investigation is complete:
- The employee will be given a prompt and thorough explanation about the result of the investigation and any action Diabetes UK is likely to take as a result of it.
 - As any allegation under this policy should be reviewed by the Executive Team. Where the allegation is deemed to be of a serious nature, an appropriate report will be submitted to the Board of Trustees.
 - Any action which the investigator decides is required will be taken.
- 6.4 Diabetes UK recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission. Where this is necessary, Diabetes UK reserves the right to make such a referral without the reporting employee's consent.
- 6.5 Any employee who has a genuine reason for their disclosure should feel confident in bringing forward their concerns.
- 6.6 Diabetes UK will not tolerate any employee being subjected to a detriment as a result of their making a disclosure in good faith. In the event that any employee believes that they have been subject to a detriment by anyone within Diabetes UK for this reason, they must inform the Chairman of the Board of Trustees immediately and appropriate action will be taken to protect them from any reprisals.
- 6.7 If anyone should try to discourage an employee from coming forward to express a genuine concern, Diabetes UK will treat this as a disciplinary matter. In the same way,

the charity will deal severely with anyone who criticises or victimises an employee or otherwise subjects them to a detriment for raising a concern.

- 6.8 However, if it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another employee), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with Diabetes UK's [Disciplinary & Grievance Policy and Procedure](#).
- 6.9 Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.

Related Documents

[Bullying and Harassment Policy](#)
[Disciplinary & Grievance Policy and Procedures](#)
[Employee Code of Conduct](#)