

Whistleblowing Policy

Last update: August 2022

Next review: August 2023



Human Rights Legal Project (hereafter ‘HRLP’, ‘we’, ‘us’) is committed to creating a work environment in which every individual feels supported and comfortable. If at any stage, an individual has concerns about the conduct of a colleague, board member, partner, or the running of the organisation, they are whole-heartedly encouraged to come forward. In all cases, such concerns or complaints will be handled in a professional and confidential manner, that does not undermine working relationships, and protects the complainant, or “whistleblower”. Towards that end, a whistleblowing policy has been created. Signatories of the Code of Good Practice are encouraged to familiarise themselves with this policy, and should a situation arise, follow the steps outlined in this policy to raise a concern.

1.1 What is whistleblowing?

Whistleblowing is the term used when a representative passes on information concerning perceived wrongdoing. In this policy, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

In order to whistleblow, a representative must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not covered by this whistleblowing policy ([see complaints and grievances policy](#)). The second thing that a representative must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories: • criminal offences (this may include, for example, types of financial impropriety such as fraud) • failure to comply with an obligation set out in law • miscarriages of justice • endangering of someone’s health and safety • damage to the environment • covering up wrongdoing • Breach of Code of Good Practice

1.2 What is HRLP’s responsibility in regards to whistleblowing?

We believe it is best practice to create an open, transparent and safe working environment where representatives feel able to speak up. Although the law does not require us to have a whistleblowing policy in place, the existence of a whistleblowing policy shows our commitment to listening to the concerns of our representatives. By having clear policies and procedures for dealing with whistleblowing, we want to demonstrate that we welcome information being brought to the attention of the board.

HRLP wholeheartedly believes that:

- **Our representatives are valuable ears and eyes:** representatives are often the first people to witness any type of wrongdoing within an organisation. The information that representatives may uncover could prevent wrongdoing, which may damage an organisation's reputation and/or performance, and could even save people from harm or death.
- **A healthy organisational culture is essential:** If an organisation hasn't created an open and supportive culture, a representative may not feel comfortable making a disclosure, for fear of the consequences. We do not want our representatives to face barriers such as fear of reprisal as a result of making a disclosure and also that no action will be taken if they do make the decision to 'blow the whistle'. HRLP wants to ensure that representatives can approach the steering committee with important concerns as this is the most important step in creating an open culture. We want to demonstrate, through visible leadership at all levels of the organisation, that we welcome and encourage representatives to make disclosures.
- **Training and support should be provided:** HRLP will implement training, mentoring, advice and other support systems to ensure representatives can easily approach a range of people in the organisation.

1.3 Protection of the whistle-blower

HRLP is committed to the Whistleblowing Policy and we encourage individuals to raise concerns about malpractice in the context of the policy. Concerns will be treated seriously and actions taken in accordance with this policy. We understand that individuals may be anxious that, by reporting genuine whistleblowing concerns their actions may leave them vulnerable. It is important to emphasise that HRLP will not tolerate the victimisation, intimidation or penalisation of anyone raising a genuine concern or anyone involved in the subsequent investigation or anyone acting as a witness. Anyone responsible for any such action against individuals making genuine disclosures will be the subject of disciplinary action.

1.4 Reporting your concern

HRLP recognizes that reporting concerns can happen in different ways depending on the concern, and the individual wishing to submit the concern.

1.4.1 Reporting your concern informally

- Representatives may informally raise their concern with their line manager first. This may be a verbal discussion or in writing. The issue will be treated in confidence. If the manager cannot deal with it they will take it to the designated safeguarding officer or an alternate board member if the concern involves the aforementioned person.
- All concerns will be investigated and dealt with as appropriate. The line manager involved will ensure that the safeguarding officer is informed and involved as appropriate (unless the safeguarding officer themselves is implicated, in which case alternate board member will be

elected to support). The representative who raised the concern or issue will be informed of the outcome of the investigations and what, if any, action has been taken.

- If the representative is unhappy about the speed, conduct or outcome of the investigation, they should put their concerns in writing to the board. They should write to the safeguarding officer if it is inappropriate to involve the board. The board (or safeguarding officer) will investigate the complaint, and report back to the member of staff with their findings and what, if any, action has been or will be taken.

1.4.2 Reporting your concern formally

Upon reaching a decision to carry out a formal disclosure representatives should be reminded of their duty of confidentiality to both HRLP and its affiliates. All formal concerns MUST be raised in writing (in a letter or in an email) to the safeguarding officer, or the alternate board member if it is inappropriate to involve the safeguarding officer, who will handle the disclosure according to the agreed procedures in place.

Importantly, the whistleblower must meet specified criteria before submitting a formal disclosure:

- The disclosure must be made to an appropriate person.
- The representative making the claim must have reasonable belief that wrongdoing is being or is about to be committed.
- The disclosure must reasonably believe it to be substantially true and that the disclosure is in the public interest.
- The person making the claim should not collect the information to support the allegations improperly.

1.5 Reporting by non-representatives

Whilst the majority of disclosures will be made by representatives, there is scope for non-representatives and those associated with HRLP to raise whistleblowing concerns. This may include clients, partner organisations, volunteers or any other persons with an association to HRLP. Members of the public may also feel they wish to pursue a matter they feel is in the public interest.

The procedure will not differ from that of a representative. HRLP will follow the procedural guidelines in the exact same manner regardless of a representative disclosure or a third party affiliate.

We also understand that non-representatives may not follow the procedure as prescribed and may take other routes to disclosure; we are vigilant to this fact and will consider when taking into account any whistleblowing disclosure or complaint made by individuals who are not directly represented by or associated with HRLP.

1.6 Handling the disclosure

Upon receipt of the disclosure, a meeting to discuss the concerns will be offered and held within a reasonable period. The meeting will be held in a confidential and private location and the following

persons will be present: the representative raising the concern and the Appropriate Person to whom the concern has been raised (line manager, safeguarding officer or alternate board member).

This meeting will be of an exploratory nature depending on the nature of the concern. The individual will have the opportunity to detail the reasons for their disclosure and will use the meeting to share concerns; and share any supporting facts with the appropriate person chairing the meeting. Thereafter;

- The Appropriate Person will make a formal note of the meeting, which is shared with the whistle-blower within an agreed timeframe. The Appropriate Person will then notify the board and safeguarding officer (unless one or both is implicated) that a whistleblowing disclosure has been made, and conduct the investigation. The identity of the whistle-blower will be protected throughout this process.
- The Appropriate Person will, having taken into account all the information presented, then agree with the individual the likely course of action in terms of next steps or remedying the situation; and agree timescales for action. The Appropriate Person will ask for any supporting proof presented at the meeting to be submitted as part of the process.
- Once the meeting has taken place the Appropriate Person to whom the disclosure was made will consider the information and decide whether there is a case to answer or whether an investigation should be conducted to establish the facts, and determine who will undertake the investigation and what form it should take.
- If the disclosure falls more properly within other procedures (e.g. Disciplinary, Complaint or Grievance) then the complainant will be advised of this.
- The Appropriate Person to whom the representative initially makes the disclosure will, unless the representative is advised otherwise, act as the main point of contact in the matter and will be responsible for keeping the representative up-to-date on the outcome of investigations carried out and any actions taken as a result of the investigation.
- However where this impacts on the duty the organisation has to the confidentiality and safety of others, they may confirm the limits to the information that can be provided.
- If, following the meeting, the Appropriate Person to whom the disclosure is made decides not to proceed with an investigation, this decision will be explained as fully as possible to the complainant. It is then open to the complainant to appeal against the outcome to the board.
- All whistleblowing incidents will be kept and recorded in a secure place by the safeguarding officer which will outline the date of the incident and who the Appropriate Person is and all relevant information relating to the disclosure.

1.7 External Disclosure

HRLP hopes that this procedure will provide representatives with the assurance they need to raise whistleblowing issues with HRLP internally. However, we accept that there may be circumstances where employees feel it is more appropriate to make the disclosure to an external body.

1.8 Anonymous disclosure

The identity of the individual raising the disclosure will be kept confidential, if so requested, for as long as possible, provided that this is compatible with a proper investigation.

In view of the protection afforded to an individual raising a genuine concern, it is considered desirable that they disclose their name. However, there may be special or unusual circumstances where an individual considers it necessary to make an anonymous disclosure.

Where an anonymous disclosure occurs the disclosure will be accepted and treated equally with those bearing a name. Anonymous claims can at times be more difficult to investigate as there is not the option to seek further information during investigation, and claimants cannot be contacted to discuss the outcome, however this should not act as a barrier to making an anonymous disclosure if the individual feels that this is the best course of action for them.

Contact Emails

To contact the safeguarding officer regarding any general, or whistleblowing specific disclosure, please use the following address:

hrlp.safeguarding@gmail.com

To contact the board regarding any general, or whistleblowing specific disclosure, please use the following address:

hrlp.steeringcommittee@gmail.com