



## **Bridging the Gap (Manchester)**

### **Whistleblowing Policy & Procedure**

Registered Charity Number: 1170952

This policy and guidance will be reviewed annually or if there are any changes in the related legislation or when an incident dictates. This will ensure that this document is current and fit for purpose.

This policy should be read in conjunction with the following Bridging the Gap's policies and procedures: -

- Discipline & Grievance Policy & Procedure
- Anti Fraud & Fraud Response Policy & Procedure

Date reviewed: 20/08/2205

Reviewed by: Michelle McHale

Next review due: 20/08/2026

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## 1. Definition of Whistleblowing

Whistleblowing refers to a disclosure of information, which is believed to reasonably show wrongdoing, or that someone is covering up wrongdoing. This could include: -

- criminal offences
- the endangerment of health and safety
- causing damage to the environment.

Legally whistleblowing is known as 'making a disclosure in the public interest' and the action of whistleblowing is sometimes called 'blowing the whistle'.

It is important to differentiate between whistleblowing and a grievance. If an employee has a grievance or complaint in connection with their work or the people they work with, they should refer to BTG's separate 'Discipline and Grievance Policy & Procedure'.

## 2. Who is an Eligible Whistleblower?

Under the whistleblower protection legislation, an eligible whistleblower can be someone who is or was: -

- an officer or employee of BTG
- an individual, or an employee of a person, that supplies services or goods to BTG, including volunteers
- an individual who is an associate of BTG.

In addition to this, a worker or volunteer can report serious wrongdoings to the Charity Commission [What to report to Charity Commission](#), whilst anyone can report suspected wrongdoing to list of prescribed organisations, as set out on GOV.com [Gov.com website](#)

Examples of such organisations include, the: -

- Environment Agency [Environment Agency](#)
- Equality and Human Rights Commission - email: [whistleblowing@equalityhumanrights.com](mailto:whistleblowing@equalityhumanrights.com)
- Food Standards Agency - email: [foodcrime@food.gov.uk](mailto:foodcrime@food.gov.uk)
- Health & Safety Executive [H&S Exec](#)

### 3. Scope of this Policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of Bridging the Gap (BTG) is reported and properly dealt with. BTG, therefore, requires all individuals to raise any concerns that they may have about the conduct of others in BTG or the way in which the organisation is run.

This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### 4. The Whistleblowing Framework and Legal Background

The whistleblowing framework is a combination of laws and protections, and associated non-legislative guidance. The framework provides a route for reporting unsafe working conditions and wrongdoing in the workplace and is made up of the laws that support those who speak out against such wrongdoing.

It is in the public interest that the law protects whistleblowers so that they can speak out if they find malpractice in an organisation.

The **Public Interest Disclosure Act 1998 (PIDA)**, amended the **Employment Rights Act 1996** provides protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'.

By law (PIDA), whistleblowers are protected from unfair dismissal and if someone is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal.

A 'qualifying disclosure' is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed: -

- a criminal offence
- 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
- concealment of any of the above

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

A whistleblowing disclosure must be made in good faith in order to be a protected disclosure and to benefit from whistleblowing protections.

If a qualifying disclosure is made then the whistleblower has the right not to be: -

- dismissed

- subjected to any other detriment
- victimised because of making this disclosure

The employee has a right to take their case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

Since the introduction of PIDA, successive governments have taken steps to strengthen whistleblowing policy and practice. More recently, there have been calls for reform and expansion of the whistleblowing framework, and a reorganisation of the responsibilities for whistleblowing.

In March 2023 the Department for Business and Trade (DBT) launched a review of the whistleblowing framework. This review aimed to gather evidence on the effectiveness of the current regime in enabling workers, and others, to speak up about wrongdoing and protecting those who do so. The response to the research for this review is not expected until later in 2024; at which time BTG will revisit this policy and procedure.

## **5. Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of BTG should be watchful for illegal or unethical conduct and are encouraged to report anything of this nature that they become aware of.
- BTG will always take whistleblowing disclosures seriously and will deal with them fairly and consistently.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of BTG will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, BTG's disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.

- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to BTG's Safeguarding Officer.

## **6. How to Raise a Whistleblowing Disclosure**

This procedure is for disclosures about matters other than a breach of a staff member's contract of employment, which should be raised via BTG's 'Discipline and Grievance' procedure.

### **Stage 1:**

In the first instance, any concerns should be raised with BTG's Safeguarding Officer, who will arrange an investigation of the matter.

The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained.

The Safeguarding Officer will take any necessary action, including reporting the matter to the Chair of the Board of Trustees or appropriate other Trustee(s), as well as any appropriate Government department or regulatory agency.

The Safeguarding Officer will also invoke any disciplinary action required. At the conclusion of any investigation, the person raising the concern will be informed in writing the outcome and what BTG has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### **Stage 2:**

If you are concerned that the Safeguarding Officer is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees or another Trustee.

The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

### **Stage 3:**

If, at the conclusion of stages 1 and 2, you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This might include: -

- HM Revenue & Customs

- the Health and Safety Executive
- the Environment Agency
- the Serious Fraud Office
- the Charity Commission
- the Pensions Regulator
- the Information Commissioner
- the Financial Conduct Authority.

You can find the full list in **The Public Interest Disclosure (Prescribed Persons) Order 2014**: -

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BI-S-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BI-S-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

## **7. What Should Not Be Raised Using the Whistleblowing Procedure**

- Complaints that do not count as whistleblowing
- Personal grievances (for example, bullying, harassment, discrimination) are not covered by whistleblowing law and should be raised using BTG's 'Grievance Policy and Procedure'.

## **8. Whistleblowing & Anonymity**

You can tell your employer or a prescribed person anonymously about your concerns of wrongdoing but they may not be able to take the claim further if you have not provided all the information they need. You can give your name but request confidentiality. The person or body you tell should make every effort to protect your identity.

## **9. Incorrect Claims of Wrongdoing**

If an employee raises malicious, vexatious or knowingly untrue concerns in order to harm colleagues they will face disciplinary action. This could result in dismissal unless they can demonstrate a reasonable belief that the concern was raised in the public interest.

## **10. Who to Report Concerns To Identified Persons Within BTG**

You may report your concerns of wrongdoing to any of the following persons:

- Safeguarding Officers: BTG's Safeguarding Lead or the Project Managers
- Chair of the Board of Trustees: Michelle McHale BEM