

## KEW NEIGHBOURHOOD ASSOCIATION

### Whistleblowing Policy

26<sup>th</sup> February 2020

#### 1. Overview

Whistleblowing is the term used when a worker, volunteer or trustee passes on information about wrongdoing within their organisation. Legislation (the Employment Rights Act 1996, as amended by the Public Disclosure Act 1998) gives rights to workers who raise concerns about wrongdoing in the workplace.

Kew Neighbourhood Association welcomes and encourages its staff, volunteers, trustees and others working for on or behalf of Kew Neighbourhood Association to report suspected wrongdoing and undertakes to protect workers who do so.

This policy sets out how the law protects you, how you should raise any concerns and how Kew Neighbourhood Association will act if you raise concerns as a whistleblower.

#### 2. Principles

To be protected by whistleblowing law, a worker who makes a disclosure about a wrongdoing must reasonably believe both (a) that they are acting in the public interest, and (b) that the disclosure tends to show past, present or likely future wrongdoing in relation to certain categories.

The categories that the disclosure must relate to are:

- Criminal offences including fraud
- Failure to comply with a legal obligation
- Miscarriage of justice
- Endangering someone's health or safety
- Damage to the environment
- Covering up wrongdoing in relation to any of the above.

You do not need to investigate the wrongdoing or to have proof that the wrongdoing has occurred or even to be 100% certain that a wrongdoing has occurred as long as you reasonably believe, from what you have witnessed or heard, that this shows wrongdoing. It is the responsibility of the person to whom you report the matter to investigate and gather evidence.

However, maliciously making an allegation of wrongdoing or making an allegation that does not relate to one of the categories above will not grant protection to a worker and may subject them to disciplinary action.

You are protected if you make a disclosure as a whistleblower under this policy. This means that you will not be subjected to any detriment such as dismissal, negative actions or any victimisation. If you were to be subject to such actions, Kew Neighbourhood Association would take that extremely seriously and manage it appropriately. If a member of staff, if not resolved, this would give you the right to bring a case at the Employment Tribunal. This protection does not extend where a malicious disclosure has been made.

Kew Neighbourhood Association will treat all disclosures consistently and fairly and will take all reasonable steps to maintain the confidentiality of the whistleblower, unless the law requires that the whistleblower's identity is revealed.

You may make the disclosure anonymously but if you do so you will not be kept informed of the investigation and any actions resulting from the investigation. In addition, any action taken to look into the anonymous concern may be limited.

Kew Neighbourhood Association strongly encourages everyone working for KNA or otherwise involved with KNA to disclose concerns about wrongdoing under the procedure set out here. Note that if you are asked to keep quiet about a matter that you believe may be wrongdoing, that request should itself be reported.

Matters concerning your own contract of employment are not matters in the public interest and should be raised via the grievance procedure.

### **3. Whistleblowing Procedure**

You should raise your concerns in the first instance with either the Co-ordinator, the Chair of Trustees or with any one or more of Trustees of KNA.

If you have any doubt whether to raise a concern, Kew Neighbourhood Association encourages you to speak to the Co-ordinator, the Chair of Trustees or any of KNA Trustees on a confidential basis.

The person to whom you have raised the concern will:

- Within 3 days of receiving notification, confirm receipt.
- Arrange to meet you, or arrange for another employee or trustee of Kew Neighbourhood Association to meet you, within 10 working days of notification. You may bring a colleague with you for support to this meeting. A summary of the meeting will be written and you will be given a copy.
- If there is sufficient evidence, then Kew Neighbourhood Association will arrange for an investigation of the concerns. This may include you and others giving written

statements. Where possible, Kew Neighbourhood Association will tell you how the investigation will be run.

- The person to whom you have notified your concerns will notify the KNA Trustees and anyone about whom you have made the complaint (unless this would prejudice the investigation).
- Where the matter concerns criminal offences, other bodies may be notified, such as the police and/or external advisers.
- The timeline for the investigation will be notified to you and will depend on the level of investigation required but will be a reasonable time in all the circumstances.
- You will be notified of the outcome of the investigation and actions taken unless this is not possible by law: for example, if the police are carrying out criminal investigations. You will also be notified if no actions are to be taken and, if so, why this is the case.

Kew Neighbourhood Association will take all steps to handle meetings, investigations and actions thoroughly and sensitively.

If you believe that the person to whom you have notified the concern is involved in the wrongdoing or has failed to take the appropriate further actions and/or investigations, you may notify the Co-ordinator, the Chair of Trustees or any of KNA Trustees.

If you approach the media with your concerns, you are likely to lose your whistleblower rights except in very exceptional circumstances.

Data collected during the investigation will be processed in accordance with the GDPR policy.

Further guidance about whistleblowing is available from government websites, ACAS, Public Concern at Work, trade union websites and a number of charities set up to support whistleblowers. ACAS has a helpline: 0300 123 1100.

#### **4. Review**

This policy will be reviewed every three years and when there are significant legislation changes.