



POLICY

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Business in the Community Whistleblowing Policy and Procedure

Policy

BITC aims to develop a culture of openness. This policy encourages our employees, workers and volunteers – collectively “staff”, to raise their genuine concerns about possible wrongdoing at work. The suspected malpractice or misconduct may relate to the operation of BITC systems and procedures or to the conduct of employees, contractors, trustees, or any other individuals or organisations working for, with, or on behalf of BITC.

The procedures may be used where staff have a reasonably held belief that actions are taking place, have taken place or are likely to take place involving:

- a criminal offence;
- a failure to comply with statutory or legal obligations;
- financial irregularities, such as fraud;
- the health and safety of any individual;
- damage to the environment; or,
- deliberate concealment relating to any of the above e.g.; senior management failing to follow the full process with a safeguarding concern about a colleague; failing to take action when a suspicion of falsifying timesheets surfaces; covering up an action that potentially endangered safety such as failing to do risk assessments.





To protect and support staff in fulfilling their duty to report their concerns about possible wrongdoing, BITC has established the procedures outlined below. The Public Interest Disclosure Act 1998 (as amended) offers a statutory protection for any employee who seeks to 'blow the whistle' on matters of public concern. This policy and procedure is intended to conform to the guidance in the Public Interest Disclosure Act 1998 (as amended).

This procedure is not a substitute for the BITC Grievance Procedure or the Respect at Work Procedure, which deal with concerns about an individual's treatment at work and allegations about bullying and harassment.

Procedure

1. Raising a concern – principles

To be protected by the law when raising a public interest concern, you must satisfy certain conditions:

- You may raise a concern with BITC if you have a reasonable belief that the information you are disclosing tends to show that malpractice or misconduct (as described above) has occurred, is occurring, or is likely to occur in the future if you do so in the public interest.
- You may raise a concern with a relevant prescribed regulator where, in addition to the above, you honestly and reasonably believe that the information you give is substantially true. Appendix A provides a list of some of the relevant regulators to which 'whistleblowing' disclosures may be made; a full list is available on the Public Concern at Work website – contact details are given in the final paragraph below.
- You may also raise a concern with persons or organisations other than BITC or a regulator such as the police if, in addition to the above, it is reasonable to do so in all the circumstances and it is not done for your personal gain. In such a wider disclosure, you must also meet one or other of the following preconditions:
 - you must reasonably believe that you would be subjected to a detriment if you raised the matter internally or with a prescribed regulator; or
 - there is no prescribed regulator and you reasonably believe that the evidence would be destroyed or concealed if you made the disclosure to your employer; or
 - you have already raised the matter with BITC or a regulator; or
 - you believe that the matter is of an exceptionally serious nature.

2. Anonymous allegations





Concerns expressed anonymously are difficult to deal with effectively. Consequently, employees are encouraged to put their name to any allegation. The manner of BITC's response to anonymous allegations will be influenced by such factors as the seriousness of the issues raised and the likelihood of being able to confirm the allegation from attributable sources.

3. Raising a concern – internal procedures

Most concerns are likely to be capable of being dealt with properly and effectively in the first instance through internal procedures:

You may raise your concern with your line manager or, if you feel it is more appropriate to do so, with one of the two BITC staff nominated for this purpose:

Finance Director 0207 566 8684

HR Director 0207 566 8752

Alternatively, if you feel a degree of external involvement may be needed in the circumstances (for example, that the BITC nominated staff may be implicated or face a conflict of interest in investigating the allegation), you may contact John Neill, Chairman & Group Chief Executive of the Unipart Group, and Chairman of BITC's Audit Committee on 01865 383028. His PA is Lucy Clarke and she can be emailed on lucy.clarke@unipart.com

The responsibility of the person to whom you have reported your concerns will be to act as lead officer. Strict confidentiality about your involvement will be maintained at all times throughout the investigation and subsequently unless knowledge of your involvement becomes unavoidable due for example to legal proceedings.

Stage 1

Initially, the lead officer will: prepare notes about your concern; describe how the information you have given will be held securely and your confidentiality preserved; and ensure that you understand your rights and obligations under the Public Interest Disclosure Act.

Stage 1 will be completed in five working days where reasonably practicable.

Stage 2

After considering the information, the lead officer will normally meet you again to discuss with you the method of investigation he or she proposes, gaining your agreement to the process and the likely timescales. This individual may conduct the investigation personally, or appoint another member of staff to do so, or propose that the matter is dealt with by an external independent person or authority.





Stage 2 will be completed in ten working days, wherever reasonably practicable.

Stage 3

The processes and timescales of an investigation will depend on the nature of the issues arising. However, if BITC is investigating the concern without external involvement:

- you will be kept informed regularly of progress by the lead investigator;
- you will receive a summary of the lead investigator's report on the investigation;
- you will be consulted about the recommendations for any action taken by BITC to ensure that similar problems do not arise again;
- If external parties are involved, the lead officer will ensure that you are kept informed of progress and corrective actions planned to the extent that this is possible under the circumstances

4. Reporting to the Audit Committee

The lead officer will be responsible for notifying the Chairman of the Audit Committee that a formal investigation is being conducted; outlining the matter under investigation (but not the identity of the staff member raising the concern); and providing a briefing on the outcome of the investigation

5. Learning

Once the investigation is complete, a review of what happened will be undertaken, any learning and preventative action for the future documented and reported to the Executive Team and where appropriate to the Audit Committee and BITC Board of Trustees

6. Unfounded disclosures

If a disclosure is made in the public interest but is not confirmed by the investigation, no action will be taken against the individual making the allegation. If, however, an allegation made is deemed, after formal review, not to be made in the public interest to be (for instance, to be malicious), action may be taken against the employee in accordance with BITC's Disciplinary Procedure.

7. Protection for whistle-blowers

No staff member should be subjected to any detriment for having raised a concern under this policy. If a staff member believes that they have been subject to any detriment for that reason they should make this known immediately to the Lead Officer, who will arrange for that issue to be investigated as soon as possible.

Subjecting a whistle-blower to detriment for having raised a whistleblowing concern will be viewed by BITC as an extremely serious disciplinary matter.





8. Data protection

Where the investigation concludes there are no grounds for proceeding to formal action against any individual about whom an allegation has been made by way of a disclosure under this policy, no documents relating to the investigation will be held on that individual's file, or under his/her name.

Where a decision is taken to institute formal action, the individual against whom the allegations are made will be informed of the allegations and relevant documents will be held in secure HR filing systems in accordance with the requirements of Data Protection legislation. Where possible, the identity of the whistle-blower will be kept confidential.

9. Independent Advice

A useful source of independent advice is the organisation 'Public Concern at Work' (Tel: 020 7404 6609; email: whistle@pcaw.co.uk; website: www.pcaw.co.uk).

10. Other related BITC policies

- Respect at Work Policy
- Grievance Policy and Procedures



Whistleblowing Policy – Relevant Regulators

The Public Information Disclosure Act provides for disclosures to prescribed regulators. The full list of prescribed regulators for England and Wales and for Northern Ireland is given in the Public Concern at Work web site. Possibly the most relevant to BITC are:

| Prescribed regulator | Matters on which prescribed: |
|---|--|
| The Charity Commission for England and Wales (The Department for Social Development in Belfast deals with charities based in Northern Ireland) | The proper administration of charities and of funds given or held for charitable purposes. |
| The Commissioners for Her Majesty's Revenue and Customs | Value added tax, income tax, corporation tax, national insurance contributions, maternity/sick pay, tax credits and related taxes and benefits. |
| Comptroller and Auditor General of the National Audit Office | Value for money; fraud and corruption in relation to the provision of centrally funded public services. |
| Comptroller and Auditor General for Northern Ireland | Value for money; fraud and corruption in relation to the provision of centrally funded public services and health service bodies. |
| Director of the Serious Fraud Office (UK) | Serious or complex fraud. |
| Auditor General for Wales | Value for money; fraud and corruption in relation to the provision of public services. |
| The Environment Agency | Acts or omissions which have an adverse actual or potential effect on the environment or regulation of the environment. |
| Department of the Environment for Northern Ireland | Acts or omissions which have an adverse actual or potential effect on the environment or regulation of the environment including those related to pollution. |



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| Health and Safety Executive | Matters which may affect the health or safety of any individual at work or of members of the public arising out of activities at work. |
| Information Commissioner (Separate bodies for England/Wales and for Northern Ireland) | Compliance with legislation relating to data protection and freedom of information. |
| Department of Enterprise, Trade and Investment (Northern Ireland) | Fraud and other misconduct in relation to companies. |

