

BRAC EUROPE WHISTLEBLOWING POLICY

Introduction

Employees and workers (staff) may, in properly carrying out their duties, have access to, or come into contact with, information of a confidential nature. Their terms and conditions provide that except in the proper performance of their duties, employees are forbidden from disclosing, or making use of in any form whatsoever, such confidential information.

However, the law (The Public Interest Disclosure Act 1988) allows employees to make a 'protected disclosure' of certain information where they reasonably believe a dangerous or illegal act, or a 'wrong doing', is taking place (or has taken place or is likely to take place) in their workplace. In order to be 'protected', a disclosure must relate to a specific subject matter (listed below), the disclosure must also be made in an appropriate way and the disclosure must be made in the public interest. Such a disclosure is called 'whistle-blowing'.

If, in the course of employment, an employee or worker becomes aware of information which they reasonably believe tends to show one of more of the following, they must use the Charity's Whistle-Blowing disclosure procedure (set out below):

- That a criminal offence has been committed, is being committed or is likely to be committed, e.g. fraud.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation * to which he is subject.
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, has been, is being, or is likely to be, deliberately concealed.

Since 25th June 2013, due to legislative changes, staff will generally be precluded from being able to 'blow the whistle' about breaches of their own employment contract, as this is unlikely to be in the public interest, unless the situation engages wider public interest issues. Staff should therefore use the BRAC Europe's Grievance Procedure in situations where their employment contract has been/is being/is likely to be breached, or they have other personal grievances.

The Act is used to inform those, who need to know, about Health and Safety risks, environmental problems, fraud, bribery, corruption and many more types of illegal and/or dangerous activities.

Employees can obtain further information from the Public Concern At Work (Charity) website at <http://www.pcaw.org.uk>. PCAW provides independent, free and confidential advice on how to raise a concern and who to talk to.

BRAC Europe's Responsibilities

BRAC Europe aims to create an open, transparent and safe working environment where staff feel able to speak up, as they are often the first people in the Charity to witness any type of wrong-doing. Our Whistle-Blowing Policy commits to treat all disclosures seriously, consistently and fairly and BRAC Europe will take all reasonable steps to maintain the confidentiality of the Whistle-Blower (where this is required and appropriate in the relevant law). This policy aims to ensure that no Whistle-Blower is victimised in any way when making a disclosure.

For the purposes of this Policy any agency workers supplied by an agency or 3rd party to work in our organisation are included in our definition of staff and are covered by this Policy.

For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, employees should speak in confidence to a senior manager.

Disclosure Procedure

If any employee or worker has a genuine concern about malpractice at work, which you believe it is in the public interest to disclose, you may raise the concern by promptly disclosing it to your manager so that any appropriate action can be taken.

The employee is not required to prove the mal-practice, they are just the person raising the concern. This information will be treated in confidence and with sensitivity. If it is inappropriate to make such a disclosure to the manager, the employee should speak to a more senior manager and/or one of the Directors of BRAC Europe.

Staff will suffer no detriment (including dismissal) by their Employer of any sort for making such a disclosure in accordance with this procedure. From 2013 whistle-blowers will also be protected from suffering a detriment, bullying or harassment from other employees if they whistle-blow. However, failure to follow this procedure may result in the disclosure of information losing its 'protected status'.

This policy is designed to offer protection to staff who disclose such concerns provided the disclosure is made in the reasonable belief of the individual making the disclosure that it tends to show Malpractice or impropriety and is in the public interest and if they make the disclosure to an appropriate person.

Concerns may be raised verbally or in writing. Staff who wish to make a written report should mention the following:

- the background and history of the concern (giving relevant dates);
- the reason for the concern.

Staff should report the concern at the earliest opportunity so that action can be taken. Although staff do not need to provide evidence about the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Ideally, staff will feel able to make a disclosure to the Charity. However, we recognise that there may be circumstances where they feel unable to disclose a wrong-doing to BRAC Europe itself and may wish to make a disclosure to an external "Prescribed Person" (in order to retain their rights under Whistle-Blowing law). A complete list of appropriate 'prescribed persons' can be found at

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Investigating procedure

When a member of staff makes a whistle-blowing report, an 'investigating officer' (who, whenever possible, will be a senior Manager or Director of BRAC Europe) should follow these steps, in line with our Grievance Procedure:

- Obtain full details and clarifications of the complaint.
- In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- Acknowledge to the complainant that the complaint has been received; indicate how it is proposed to deal with the matter and inform them whether further investigations will take place and if not, why not.

- Inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a colleague at any future interview or hearing.
- If there is evidence of criminal activity then the investigating officer should inform the police.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer and detailed in a written report which will be submitted to the Board of Directors, who will Decide what action to take. If the complaint is shown to be justified, then they will invoke the Disciplinary or other appropriate procedure.
- If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, BRAC Europe recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons/regulators/bodies (such as the Health and Safety Executive, the Audit Commission), or, where justified, elsewhere.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

Members of staff may be accompanied to any meeting to discuss their disclosure, if they wish to, by a work colleague or a certified Trade Union Representative. If staff require support or advice during this process, they will be assured that their disclosure will not affect their position in the Charity.

If staff wish to make a disclosure on an anonymous basis they must be aware that they will not receive feedback, and any action(s) taken to look into the disclosure could be limited (and they may lose their protections as a Whistle-Blower).

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Responsible officer

The Executive Director has overall responsibility for the maintenance and operation of this policy. He will maintain a record of concerns raised and the outcome (but in a form which does not endanger confidentiality) and will report as necessary to the Board of Trustees.

The Executive Director will also ensure that appropriate training is made available to Managers and others concerned and will ensure that no victimisation, at any point during this process, will occur to the whistle-blower.

For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, staff should speak in confidence to a senior manager.