

Whistleblowing Policy

Introduction

Spinal Injuries Association (SIA) is committed to maintaining high standards of openness, honesty, integrity, probity and accountability.

In line with this commitment, it encourages individuals with serious concerns about any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity to come forward and voice those concerns. This policy makes it clear that such concerns can be raised without fear of reprisal and reflects the requirements of the Public Interest Disclosure Act 1998.

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

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that:

- 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
- or concealment of any of the above

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

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 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 the charity 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 our disciplinary procedure will be used, in addition to any appropriate external measures (see Stage 3).
- 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 the chief executive or the chair of the board of trustees.

Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment. Matters relating to your contract of employment should be raised via the grievance procedure.

Stage 1: In the first instance, any concerns should be raised with the relevant departmental head, 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 departmental head will take any necessary action, including reporting the matter to the directors and/or the chair of trustees and any appropriate government department or regulatory agency. A disciplinary action may also be invoked, if required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

If an individual feels it is inappropriate to raise their concerns with the departmental head in the first instance (for example, if their concerns are about their departmental head's actions or if they are so serious that they should be escalated to someone at a more senior level within SIA), then he/she should speak to the relevant director in the first instance instead. All such approaches will be treated in the strictest confidence. They will not result in a report to anyone within SIA without the individual's agreement except where it is believed that the issues raised are so serious that further action may be required. Where this is the case, they will refer it to the chief executive of SIA.

Stage 2: You should escalate the matter to the chair of trustees if you are concerned that directors/CEO:

- are involved in the wrongdoing
- have failed to make a proper investigation
- or have failed to report the outcome of the investigations to the relevant person.

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 on 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 includes:

- 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
- The Competition and Markets Authority
- The Independent Office for Police Conduct

You can find the full list in [The Public Interest Disclosure \(Prescribed Persons\) Order 2014 \(PDF\)](#).

Dealing with disclosures

If an individual reports a disclosure to SIA, the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented.

SIA believes that all individuals should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If individuals raise a concern anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If, contrary to this policy, they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, i.e. it may not be possible to protect unidentified people.

The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required;
- Action being taken under other SIA policies and/or procedures;
- An internal investigation under this policy;
- A referral to the police;
- A referral to SIA's external auditors;
- A referral to the Charity Commission;
- An independent enquiry.

The responsible person to whom the disclosure is made will:

- Make a detailed record of the disclosure;
- Ask the individual to provide a written statement describing the precise nature of the allegations (incl. the background history of the concern, any relevant dates and any evidence or grounds for suspicion behind the concern) ;
- Upon receipt of the written statement, decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the individual within five working days of making that decision. In their letter, they will acknowledge receipt of the complaint, provide information on who it has been

referred to and details of who the individual should contact if they have any further questions.

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Policy Owner (responsibility)	Director of finance and operations
Review schedule	Annual
Date of last review	April 2024
Date of next review	April 2025
Approval level	SLT Finance, people and operations committee
Related policies	Disciplinary and dismissal policy Grievance policy Harassment and bullying policy