

Public Interest (Whistle Blowing) disclosure Policy and Procedure

Policy Statement

Employees are often the first to realise that there may be something wrong within GCF. However, you may not express your concerns because you feel that speaking up would be disloyal to your colleagues or to GCF. You may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.

GCF encourages its members of staff to raise genuine concerns about malpractice at the earliest practicable stage rather than wait for proof. Malpractice within GCF is taken very seriously.

This procedure is to provide safeguards to enable you to raise concerns about malpractice in connection with GCF. The aim is to provide a rapid mechanism under which genuine concerns can be raised internally without fear of repercussions to the individual.

The procedure also seeks to balance the need to provide safeguards for employees who raise genuine concerns about malpractice against the need to protect other members of staff and GCF against uninformed or vexatious allegations which can cause serious difficulties for innocent individuals.

Malpractice

The following are examples of malpractice:

- fraud or financial irregularity;
- corruption bribery or blackmail;
- criminal offences;
- failure to comply with a legal or regulatory obligation;
- miscarriage of justice;
- endangering the health and safety of an individual;
- improper use of authority;
- serious financial maladministration arising from the deliberate commission of improper conduct;
- concealment of any of the above.

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Procedure

If you want to raise a concern about any of the above, please use the procedure set out below. Please note that there are existing procedures to enable you to raise grievances concerning your employment.

The procedure applies to disclosure by an individual (described in this procedure as “the Discloser”) who is an employee, agency contract worker or volunteer employed or engaged by GCF and who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in GCF (whether on the part of another employee or any other person or persons).

The Discloser shall as soon as practicable disclose in confidence the grounds for belief of malpractice to the Vice Chair of Trustees who has been designated by GCF as a Trustee staff with appropriate experience and standing to handle such disclosures. Where the matter concerns or involves the Vice Chair of Trustees then this process should be pursued with the Chair of Trustees. For the purposes of this procedure the above-named person(s) is described hereafter as the “Designated Officer”.

Any disclosure shall be in writing and the Discloser should provide as much supporting evidence as possible about the disclosure and the grounds for the belief of malpractice.

On receipt of the disclosure the Designated Officer will offer to interview the Discloser in confidence, such interview to take place as soon as practicable after the initial disclosure. The Discloser may be accompanied by a local trade union representative or work colleague at the interview. Another person may attend the meeting to take notes for GCF.

Further steps

As soon as practicable the Designated Officer will recommend what further steps are to be taken. Such recommendations may (without limitation) include one or more of the following:

- (a) the matter be reported to the police;
- (b) the matter be investigated further internally by GCF or by external auditors or investigators appointed by GCF;
- (c) that the Discloser be given the opportunity to seek redress through the grievance or disciplinary procedure.

A recommendation of no further action may be made if the Designated Officer is:

- (a) satisfied after investigation that the malpractice has not occurred or is not likely to occur.
- (b) aware that the matter is already subject to legal proceedings, or has already been referred to the police or other public authority;
- (c) aware that the matter is already (or has already been the subject of proceedings) under one of GCF’s other procedures;
- (d) satisfied that the Discloser does not have a reasonable belief that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- (e) satisfied that the Discloser is not acting in good faith.

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Any recommendations under this procedure will be made by the Designated Officer to the Board of Trustees. In any event the allegations will be made without identifying the Discloser save as outlined below. The Board of Trustees shall ensure the implementation of the recommendations except to the extent that in their view there are good reasons for not doing so.

The Discloser will be informed of the steps taken or if no steps are taken the reason for this within five working days of the investigation concluding.

External disclosure

If having followed the procedure the Discloser is not satisfied with the steps taken the Discloser may raise the matter confidentially with the police or relevant public authority or Member of Parliament.

The Discloser may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice.

Safeguards

The Discloser will not, where practicable, be identified unless the Discloser consents in writing or there are grounds to believe that the Discloser acted maliciously. In the absence of consent or grounds the Discloser will only be identified if:

- a) this is a legal obligation;
- b) the information is in the public domain;
- c) it is to a professionally qualified lawyer for the purposes of obtaining legal advice; or
- d) where it is necessary as part of a proper investigation.

However, whilst all practical steps will be taken to avoid the identity of the Discloser becoming public knowledge, the Discloser should accept that in some circumstances it may inevitably be possible to deduce his or her identity as the Discloser of the information. Confidentiality of the Discloser's identity cannot therefore be guaranteed.

Any documentation (including computer files and disks) kept in relation to the matter will be kept secure. This will ensure that as far as practicable, any documentation prepared will not reveal the identity of the individual as the Discloser of information under this procedure.

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Where the Discloser involves a local trade union representative or work colleague, the Discloser will be under an obligation to use all reasonable endeavours to ensure that the representative or work colleague keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

Protection against detriment for making a disclosure

No detriment will be imposed, and no disciplinary action will be taken against the Discloser because of disclosure made in accordance with this procedure. This will not, however, prevent GCF from bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to an appropriate public authority.