

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

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**MAKING A
DISCLOSURE IN THE
PUBLIC INTEREST
(‘WHISTLEBLOWING’)
POLICY**

MAKING A DISCLOSURE IN THE PUBLIC INTEREST ('WHISTLEBLOWING') POLICY

May 2022

1. Purpose, scope and definitions

It is important to Stonewall and our values that any fraud, misconduct, or wrongdoing by staff, trustees and volunteers who work for or on behalf of Stonewall is reported and managed appropriately. We therefore encourage all colleagues to raise any concerns that they may have about the conduct of others within the charity or the way in which the charity is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be responded to.

A lot of these concerns would usually fall under the remit of our Informal Complaints and Formal Grievance Policy and Disciplinary Policy. However, there are some concerns which may fall under the definition of being in the public interest. This is commonly known as 'whistleblowing'. In these situations, they may be addressed via our Whistleblowing policy.

The law provides protection for people who raise legitimate concerns about matters that may be in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that any of the below is being, has been, or is likely to be, committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating serious 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.

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

If the concern raised meets the definition of a disclosure in the public interest, this would be classified as a 'protected disclosure.' An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

We encourage our colleagues to raise their concerns under this procedure in the first instance. If someone is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the HR department.

This policy applies to all employees and officers of Stonewall. Other individuals performing functions in relation to the charity, such as agency workers, contractors, and volunteers, are also encouraged to use it to raise concerns. While they would usually be encouraged to use our complaints procedure, as set out in our Complaints Policy, there may be times when matters they raise meet the definition of a disclosure in the public interest.

2. Principles

The following principles govern Stonewall's approach to concerns raised under the Whistleblowing procedures.

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work and should be watchful for illegal or unethical conduct and report anything of that nature.
- Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation will be reported back to the person who raised the issue.
- If it becomes clear through reviewing and investigating the matter that it does not meet the threshold for being a protected disclosure then Stonewall would revert to the appropriate process for addressing the concern, for example, this could be our Safeguarding Policy, Informal Complaint and Formal Grievance Policy, Disciplinary Policy, or a combination of these.
- No one will be victimised for raising a matter under this procedure. This means that their continued employment and opportunities for future promotion or training will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a person for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, Stonewall's disciplinary procedure will be used, in addition to any appropriate external measures.
- If a person is found to have maliciously made a false allegation, they may be investigated in accordance with Stonewall's disciplinary policy.
- An instruction to cover up wrongdoing is itself a disciplinary matter. If told not to raise or pursue any concern, even by a person in authority such as a manager, colleagues should not agree to remain silent. They should report the matter to a Director or the Designated Whistleblowing Officer.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Organisation's grievance procedure.

3. Procedure

The procedure that would usually be followed should a concern be raised is set out below. Depending on the nature and details of the concerns raised, the investigation process may vary.

Raising the concern/making a protected disclosure

In the first instance, and unless the person raising the concern reasonably believes that the Designated Whistleblowing Officer (see next paragraph for details) may be involved in the wrongdoing, or for any other reason does not wish to approach them, any concerns should be raised with the Designated Whistleblowing Officer. The person who is raising the concern may also raise this with their line manager or another member of the Leadership Team, but this is in addition to the matter being raised with the Designated Whistleblowing Officer. If they are a member of the union, they may also discuss it with a union representative in confidence.

The Designated Whistleblowing Officer (DWO) for Stonewall is the Director of People and Development and so they would be accountable for ensuring that an appropriate process is followed and may appoint an investigating officer to review the case. If the concern being raised is about the actions of the Director of People and Development or they may be involved, then the concerns should be raised to the CEO or the Chair of Trustees.

The DWO will be responsible for determining if the matter meets the definition for a protected disclosure. In doing so, they may seek advice from specialists from either within or outside of Stonewall, for example, legal advice, financial experts or safeguarding experts. If the matter does not meet the definition, then the matter will be addressed through an alternative policy or group of policies that are most appropriate for addressing the matter. For example, this could be our Safeguarding Policy, Informal Complaint and Formal Grievance Policy, or Disciplinary Policy, or a combination of these.

This decision may be taken after a meeting with the person raising the concerns at the beginning of the process or a review of the available information at that stage, if from that conversation/information review, it is apparent that it is a personal employment matter rather than something in the public interest. If it is not clear at that stage, the decision may be taken at the conclusion of the investigation.

The person making the protected disclosure is able to request anonymity when they discuss the matter with the DWO. In these circumstances, the DWO will protect the person's identity. It is important to note though that, depending on the nature of the disclosure, people involved in the investigation may be able to infer or make assumptions about the identity of the person making the disclosure. All possible steps will be taken to prevent this as far as possible.

As part of our Global Safeguarding requirements, we are in the process of procuring a service which facilitates an anonymous reporting process for our global partners, who are able to raise concerns under this policy.

Investigating the concern(s)

The DWO who will arrange an investigation into the matter (either by investigating the matter themselves or delegating the investigation to an appropriate member of the Senior Leadership or Leadership Team). The investigation may involve the person who is raising the concerns and other individuals involved giving a written statement and/or being interviewed. Any investigation will be carried out in accordance with the principles set out above. The person's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

Where someone is under investigation or is a witness as part of this process, they will have the right to a companion. The companion may be another colleague or an accredited union representative if they are a member of a union. They may not be accompanied by someone acting in a legal capacity, such as an employment lawyer. The companion cannot be someone who is involved in the disclosure or who is accused or involved in the alleged wrongdoing.

The investigating officer will then provide a report to the DWO who in turn will inform the SLT and/or the board about the outcome of the investigation and any recommendations on how to proceed, including whether any matters need to be addressed through the disciplinary policy.

This report would usually be shared with an agreed member of SLT and/or the Board, to maintain the confidentiality of the process. The relevant SLT and board members will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, this will be managed in accordance with the Disciplinary Policy.

On conclusion of any investigation, the person who raised the concern will be told the outcome of the investigation and what action has been taken or is proposed to be taken. If no action is to be taken, the reason for this will be explained. They will not be advised of the detail of any disciplinary action that is taken, but will be advised if that process has been triggered.

If the person who raised the concern is concerned that there has been a failure to carry out a proper investigation, or that the DWO has not shared the report of the outcome of the investigation(s) with the relevant members of the SLT and the board, they should approach the CEO or a Trustee. They will then arrange for another manager to review the investigation(s), make any necessary enquiries, and make their own report to the board as in the previous stage. If for any other reason the person does not wish to approach the CEO or a trustee, they should also in the first instance contact a Director or member of the HR team. Any approach to HR or a Director will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent.

4. Right to appeal

Within the bounds of whistleblowing there is no right to appeal if the person who raised the concern is dissatisfied with the process or the outcome of the process. There are other available avenues to raise these types of concern.

If the decision of the DWO and the people leading the investigation is that it does not meet the definition of a protected disclosure, it is possible to address this via the Informal Complaints and Formal Grievance Process through using the appeal channel that policy provides for.

If the decision of the DWO and people leading the investigation is that it does meet the definition of a protected disclosure, but the person raising the concern reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Competition and Markets Authority
- the Health and Safety Executive
- the Environment Agency
- the Independent Office for Police Conduct
- the Serious Fraud Office
- the Information Commissionaires Office
- Charity Commission or any Fundraising Regulator

5. Confidentiality and record keeping

When a person makes a disclosure, Stonewall will process any personal data collected in accordance with its Data Protection Policy and in line with the guidelines held within the General Data Protection Regulations 2018. 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.

If upon making a disclosure, the person raising the concern wishes to be anonymous, the DWO will take all practical steps to protect their identity.

6. Advice and support

Advice and support can be sought from the HR team, a Director or member of the Leadership Team.

If you are a member of a union, you are able to access advice and support from the union.

You are able to access free, confidential and independent advice from the Employee Assistance Programme.

If you require any reasonable adjustments to enable you to participate in the process, then please discuss these with the DWO or a member of the HR team.

10. Supporting/related documents

Informal Complaint and Formal Grievance Policy

Feedback and Complaints Policy

Disciplinary Policy

Safeguarding Policy (Including underpinning policies, e.g., Partnerships)

Financial Policies

Charity Governance Policies

Health and Safety Policy

The following links can also provide additional information and guidance

[Charity Commission](#)

[NSPCC](#)

[Gov.Uk](#)

Policy Review and Sign off

Policy owned by	Director of People and Development
Approved by	RemCo/Full Board
Date Approved	July 2022
Date of last review	May 2022
Date of next review	June 2023
Date of next three-year review	June 2025