

The BSA is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage staff members and others with serious concerns about any aspect of the BSA's work to come forward and voice those concerns rather than overlooking a problem or blowing the whistle elsewhere.

It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff members can do so without fear of reprisal. This policy aims to encourage staff to raise public concerns and in the right way, to the right people, at the right time.

The Public Interest Disclosure Act 1998 came into force in July 1999. This Act strengthened staff members' rights to raise concerns.

It offers statutory protection to 'whistle blowers' from dismissal or victimisation resulting from their reporting of a criminal offence, failure to comply with a legal obligation, miscarriage of justice, breach of health & safety rules, damage to the environment or the deliberate act of concealing any of the above.

Any concerns raised, including concerns about abuse or qualifying disclosures under the Public Interest Disclosure Act, will be investigated carefully and thoroughly.

This policy does not cover personal grievances or private disputes between staff, or between staff and the BSA, such as failure to gain promotion, industrial injury compensation, disciplinary hearings, harassment or unfair treatment. Nor does it cover general employment rights such as redundancies and changes to contracts. These are covered by separate policies such as the Grievance and Disciplinary policies.

The BSA recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. Staff will not be victimised, harassed, dismissed or subjected to any detriment for disclosing a public concern, provided that they have acted reasonably and responsibly, even if the investigation subsequently shows that their concerns are unfounded. Wilful, false disclosures will result in disciplinary action being taken.

This whistle blowing policy is intended to cover concerns that fall outside the scope of other procedures. Examples of such matters are:

- any breach of the criminal or civil law
- maladministration
- breach of a statutory Code of Practice
- breach of or a failure to implement an approved BSA policy
- corruption or fraud

- dangerous practices which are likely to cause physical danger to others, or a risk of significant damage to property
- abuse of power or the use of the BSA's power and authority for any unauthorised or ulterior purpose
- unfair discrimination in the BSA's employment or services

### **Confidentiality**

The BSA will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### **Anonymous allegations**

The BSA would hope that you feel able to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the BSA. In exercising the discretion, the factors to be taken into account would include the:

- seriousness of the issued raised
- credibility of the concern
- likelihood of confirming the allegation from other, attributable, sources

### **How to raise a concern**

In the first instance you should raise your concerns with your line manager, who will treat the matter in confidence. If for some reason this is not possible or the concerns raised are about that line manager you should contact the Director, or, if necessary, the Chair or Vice-Chair of Council.

### **How the BSA will respond**

The action taken by the BSA will depend on the nature of the concern. The matters raised may be:

- investigated internally
- referred to the police
- referred to an external audit of some kind

Within 10 working days of a concern being received, the officer with whom you have raised your concern will write to you:

- acknowledging the concern being received
- indicating how the BSA proposes to deal with the matter, giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- telling you whether further investigations will take place and, if not, why not

As soon as is practicable, you will be sent a final written response to your concern. In the case of a lengthy investigation, you will be kept informed regularly of progress. It might not always be appropriate to tell you the detail of any action that is taken, but you will be informed if action is taken.

In addition to the protection afforded by the BSA, disclosures as outlined above are also protected by the Public Interest Disclosure Act 1998 and EU Directive no 2019/1937.

Under the Act staff, in certain circumstances, may also make a protected disclosure to:

- a legal advisor
- a prescribed body, such as the Data Protection Registrar, the Environment Agency, or the Health and Safety executive
- an individual unconnected with the organisation

Members of staff who make such external disclosures will be protected only if they have previously raised the matter with the BSA, or they have not done so because they reasonably believe that they will be victimised or that the evidence will be concealed or destroyed. The disclosure must be made in good faith, in the reasonable belief that the allegations are substantially true and must not be made for personal gain. It must also be reasonable in all the circumstances. Part of this test of reasonableness is whether the member of staff has complied with the procedures as spelt out earlier in this document. If all other procedures are to be bypassed, the member of staff must demonstrate that this was justified by the nature of the information.

#### *Further information and independent advice*

Staff members in the UK can also obtain free confidential advice from Public Concern at Work, an independent whistle blowing charity. Public Concern at Work can be contacted either by telephone on 020 7404 6609, website [www.pcaw.co.uk](http://www.pcaw.co.uk), or e-mail [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk).

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