

# WHISTLEBLOWING POLICY



## Aim

1. The aim of this policy is to provide staff with a procedure for reporting any unlawful conduct at work and to reassure them that in exposing the wrongdoing they will not be at risk themselves.
2. Staff may become concerned about the activities of colleagues and feel uncertain about how to deal with it. Where they suspect unlawful conduct, fraud or other malpractice the PLR Whistleblowing procedure will help to alleviate possible concerns about being disloyal, interfering and even putting their own job or prospects at risk.

## Public Interest Disclosure Act 1998 (in force 2.7.99)

3. This legislation enables staff in both the public and private sectors who have 'blown the whistle' to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for disclosing their concerns.
4. A "qualifying disclosure" is where you believe that one of the following has, or is likely to occur:
  - ◆ A criminal offence (eg theft or fraud)
  - ◆ A failure to comply with a legal obligation
  - ◆ A miscarriage of justice
  - ◆ Endangering of an individual's health and safety
  - ◆ Damage to the environment
  - ◆ Deliberate concealment of information tending to show any of the above.

A "qualifying disclosure" will be protected under the Act where it is made in good faith:

- ◆ To your employer
- ◆ To a body or person other than your employer\*
- ◆ To a legal advisor in the course of obtaining legal advice
- ◆ To a Minister of the Crown
- ◆ To a prescribed body or person, provided that you reasonably believe that the relevant concern falls within matters prescribed to that body or person and that the

information is substantially true. For a list of prescribed persons, please refer to the Guide to the Public Interest Disclosure Act 1998, published by the Department of Trade & Industry and available on [www.dti.gov.uk](http://www.dti.gov.uk)

\* provided that you reasonably believe that the relevant concern relates solely or mainly to the conduct of that body or person, or relates to a matter over which the body or person has legal responsibility.

6. The legislation does not provide a general protection for whistleblowers in all circumstances. Individuals who make disclosures will not be protected by the Act if they commit an offence by making the disclosure (eg breach of the Official Secrets Act).

### **How to use the PLR Whistleblowing Procedure**

7. This procedure should be followed if you wish to make a disclosure to your employer. For some instances of malpractice, you will need to read this procedure in conjunction with other PLR policies eg Fraud, Conflicts of Interest, Health & Safety, Confidentiality and use of official information (all available on OSCAR). Policy and procedures regarding the Data Protection Acts 1984 and 1998 are provided on OSCAR, for further information please see the HR & Finance Manager.
8. If your concern is one of a **personal** nature, or if you believe you are being required to act in a way that is illegal or improper, you should follow PLR's grievance procedure (see OSCAR).

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

9. The procedure to follow if you want to raise a concern internally is as follows:
  - ◆ If you have a concern about malpractice, you should raise it first with your **Manager**, either orally or in writing.
  - ◆ If you feel unable to do so, for whatever reason, please raise the matter with the **Principal Finance Officer**, or the **Registrar** if you suspect your line manager may be party to the malpractice.

- ◆ If you feel unable to use this 'chain of command', or you are the line manager to whom the issue has been reported, you can raise the issue with the **Head of Museums & Libraries Sponsorship Unit**, the **Head of Finance**, or the **Head of Internal Audit** at **DCMS**.
- ◆ Please say if you want to raise the matter in confidence so that the appropriate arrangements can be made.

## **Confidentiality and Anonymity**

10. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity, we will discuss with you how we can proceed.

If you do not tell us who you are, it will be much more difficult to investigate issues and provide feedback. While we will consider anonymous reports, this policy is not designed to deal with concerns raised anonymously.

## **PLR's assurance to you**

11. **PLR will not tolerate the harassment or victimisation of anyone who raises a genuine concern under this policy. Providing you are acting in good faith, it does not matter if it later transpires that you were mistaken; you will not be subject to disciplinary action as a result.**

This assurance does not extend to someone who maliciously raises a matter they know is untrue. Disciplinary action will be taken against staff who deliberately make false allegations.

## **How we will handle the matter**

12. Once you have informed us of your concern, we will look into it to assess initially what action should be taken. You may be asked to contribute to this assessment.
13. If requested, we will provide you with a written summary and our proposals to handle it. We will tell you who is dealing with the matter and provide contact details. We will let you know if your further assistance will be needed.

14. If a formal investigation is necessary this will involve the **Head of Museums & Libraries Sponsorship Unit** and possibly the **Personnel & Central Services Division** at **DCMS**.
15. We will give you as much feedback as we properly can. We may not be able to tell you precise action taken, where this would infringe a duty of confidence owed to someone else.
16. If you are dissatisfied with our response or with the outcome of the investigation you can appeal under the PLR grievance procedure (or the DCMS Grievance procedure if the complaint is being handled at that level.).

### **Independent Advice**

17. You can receive independent advice on this procedure or any stage of it from the PLR trade union representative. Qualifying disclosures will be protected if you make it to your union representative, but only if any formal action subsequently taken under the Public Interest Disclosure Act is in line with the procedure in paragraph 8.
18. Alternatively, independent legal advice can be obtained through **Public Concern at Work**. They can be contacted on 020 7404 6609 or at [www.pcaw.demon.co.uk](http://www.pcaw.demon.co.uk).

A qualifying disclosure is only protected if it is made in the course of obtaining legal advice. Only give details of information you intend to disclose to your legal advisor, otherwise you may not be protected by the Act ie do not make a disclosure over a help line.

