



Whistle Blowing Policy

The Directors of The Teignbridge Community Project are responsible for ensuring that those benefiting from us or working with us are not harmed in any way. The Directors of The Teignbridge Community Project have a legal duty to act prudently, and this means that they must take all reasonable steps within their power to ensure that no one is harmed. It is particularly important where beneficiaries are vulnerable persons or children in the community.

This policy applies to all those employed at The Teignbridge Community Project; Directors, Management, Team Leaders, Employees, Contractors and Volunteers.

What is Whistleblowing

Whistleblowing is the action someone takes to report wrongdoing at work that affects others. For example, it could affect the general public.

Legally this is known as 'making a disclosure in the public interest'.

The action of whistleblowing is sometimes called 'blowing the whistle'.

Who is protected by law

By law, most people are protected if they make a qualifying disclosure. This includes:

- **All staff who are employed by The Teignbridge Community Project.**

Protection starts from the beginning of employment.

People are still protected even if they no longer work for **The Teignbridge Community Project**. For example, you would still be protected if you believe the **Directors** at **The Teignbridge Community Project** gave an inaccurate job reference because you made a disclosure when working for us. The **Directors** at **The Teignbridge Community Project** would always like to be given the opportunity to resolve any problems first.

What the law protects whistleblowers from

By law (the Public Interest Disclosure Act 1998), whistleblowers are protected from:

- [unfair dismissal](#) – if someone is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal
- Detriment

Detriment means someone experiences one or both of the following because they made a disclosure:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- their employer reduces their hours
- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason

How whistleblowers can claim protection

To claim protection, whistleblowers must show they:

- made a qualifying disclosure
- were dismissed or suffered a detriment as a result of making the disclosure

Employment tribunal time limit

You would usually have 3 months from the date of the unfair dismissal or detriment to make a claim to an employment tribunal.

By law (the Public Interest Disclosure Act 1998), you can make a whistleblowing disclosure to one of the following:

- your employer
- a legal adviser
- another person who is responsible for the wrongdoing
- a prescribed person or body e.g. Health and Safety Executive
- any other person or body if there's a good reason to, or if it's related to an 'exceptionally serious failure' – for example, the police or media

You must also make sure your disclosure is made with 'reasonable belief' and is:

- a qualifying disclosure
- in the public interest

Deciding who to make a disclosure to

When making a disclosure, it's good practice to consider the list in order. But there might be cases when you do not want to go to us first.

You will have to meet more requirements if you make a disclosure to someone further down the list. The only exception to this is legal advisers, who you can speak to at any time.

For example, if you had a health and safety concern, you could make a disclosure to **Colette Palmer, Health and Safety Officer**. If the problem is not resolved, you could then make the same disclosure to the Health and Safety Executive which is a prescribed body.

You might have to give reasons for who you made the disclosure to if the case reaches an employment tribunal.

You can skip people in the list if you think it's not appropriate to disclose to them. But you should consider every option first.

For example, other employees made disclosures to your employer. As a result, they were threatened by managers who they exposed in the disclosures. You might decide you have no choice but to skip disclosing to your employer.

Your employer

The **Directors at The Teignbridge Community Project** encourage you to make a disclosure to us first. In most cases this will mean your concerns are dealt with quickly and by the best person.

You should make it as clear as possible to us that you're making a disclosure.

We encourage you to do this by:

- writing a letter or email to **Colette Palmer, Director**, and state that you're making a disclosure – If your disclosure concerns, **Colette Palmer**, please write to **Anna Lofthouse, Director**.

Your disclosure does not need to be in writing. For example, you could make a disclosure to us in a private meeting. However, it's better to put it in writing so you have evidence that you made the disclosure. This could be a letter or an email.

Another person who is responsible for the wrongdoing

You can make a disclosure to another person other than the **Directors at The Teignbridge Community Project**. You must reasonably believe that the wrongdoing relates to their conduct.

For example, you've been working with a contractor company who you believe is responsible for a health and safety breach. If you wanted to whistleblow, you could make the disclosure to them instead of your employer.

When you make the disclosure, you must reasonably believe that the person is responsible for the wrongdoing.

Even though you did not make the disclosure to your employer, you would still be protected by whistleblowing law if they:

- dismissed you because you had made the disclosure
- subjected you to detriment because you had made the disclosure

A legal adviser

Your disclosure will be protected if you make it to a legal adviser while you're getting legal advice.

A prescribed person or body

In some cases, you might need to make a disclosure to an official person or body who has responsibility for your concerns. For example:

- a commissioner
- an auditor
- a regulator
- a government authority

You must make sure that you have picked the correct prescribed person or body to get the most protection. For example, you can disclose breaches of health and safety regulations to the Health and Safety Executive or an appropriate local authority.

It's also important to follow the instructions given by the prescribed person or body on how to make a disclosure. For example, they could ask you to fill out a form or call a specific number.

Any other person or body related to an exceptionally serious failure

In very rare circumstances you might want to make a disclosure to another person or body about a failure which is exceptionally serious.

There's no legal definition of what an exceptionally serious failure is. It would be up to a court or employment tribunal to decide whether it was reasonable for you to make the disclosure.

If you think your situation falls under this, you should consider:

- [getting legal advice](#)
- [contacting Protect](#) – – a UK whistleblowing charity which offers free legal advice and supports employers to develop best practice whistleblowing arrangements

How you can make a disclosure

You should put your disclosure in writing to **Colette Palmer** or, **Anna Lofthouse**. This could be in an email or a letter.

Some prescribed persons or bodies will also have a number you can call to make a disclosure.

In your disclosure you could include:

- the background and reason behind the concern
- whether you've already raised the concern with anyone else and their response
- any relevant dates

You could also include any relevant evidence, for example documents, photographs, videos or samples. However, it's important to remember that it's not your responsibility to gather evidence. If you take documents or pass them to someone outside your organisation, you might be in breach of your contract or other laws.

If you cannot disclose to anyone on the list

If you feel that you cannot make a disclosure to any of the above people or bodies, you should consider:

- [getting legal advice](#)
- [contacting Protect](#)
- [talking to your MP or MSP](#) – they might be able to give advice on who to raise your concern with

Get more advice and support

If you have any questions about whistleblowing you can contact:

- [the ACAS helpline](#) – for more advice on whistleblowing, dismissal and detriment
- [Protect](#) – a UK whistleblowing charity which offers free legal advice and supports employers to develop best practice whistleblowing arrangements

The **Directors** at **The Teignbridge Community Project** recognise that whistleblowing helps us to:

- identify risks and potential wrongdoing
- take action on issues within our organisation

There are several things we will do if an employee or worker makes a whistleblowing disclosure.

Follow the right process

The **directors at The Teignbridge Community Project** will:

- handle any whistleblowing complaint fairly and consistently
- follow any process our organisation has for whistleblowing
- keep the identity of the whistleblower confidential
- promptly, fairly and consistently handle any whistleblowing disclosures
- reassure our staff that we will listen and protect whistleblowers
- recognise when employees have a whistleblowing disclosure
- let staff know about this policy and any procedure to follow
- make sure that the **Directors at The Teignbridge Community Project** are relevantly trained to deal with whistleblowing
- we will regularly review our processes to check they are effective
- keep confidential records to ensure that we manage all disclosures effectively in the future

If someone raises a grievance

In the event one of our employees raises a grievance as well as a whistleblowing disclosure, we will recognise that we might have to follow both the grievance and whistleblowing procedures. We will check with the employee concerned if it is a whistleblowing disclosure, a grievance, or both.

If the concern is a personal problem

If we find that your concern is a personal problem and does not fall within whistleblowing law. We will still try and find a way to resolve it.

We will make sure the concern is not a whistleblowing disclosure.

If we think the concern is not a whistleblowing disclosure, we will explain this to the person who raised it. This is so they can make their disclosure to someone else if they still think it is whistleblowing.

Take the disclosure seriously

We always take whistleblowing disclosures seriously.

How we ensure any whistleblowing concerns are taken seriously

- we will listen to any concerns that our staff have raised
- we will consider what evidence might be available to support the concern
- we will reassure the whistleblower that we will keep their identity confidential
- we will reassure the whistleblower they will not suffer any detriment for raising concerns
- we will try and answer any questions the whistleblower has and explain why we cannot answer them if not
- we will keep the whistleblower informed about the progress of any investigation into their disclosure
- we will provide feedback to the whistleblower after any investigation, explaining if action has been taken

How we make sure the whistleblower does not experience detriment

We will not cause an employee 'detriment' if they make a disclosure. Detriment means someone experiences one or both of the following because they made a disclosure:

- being treated worse than before
- having their situation made worse
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Examples of detriment could be:

- reducing their hours
- causing them to experience [bullying](#)
- causing them to experience [harassment](#)
- turning down their training requests without good reason

Vicarious liability

If someone is bullied or harassed by others at work, it might be treated as if carried out by:

- the employer
- the person who carried out the bullying or harassment
- both the employer and the person

We recognise that this could be vicarious liability if someone is bullied or harassed by a person who does not work with them. For example, a family member of the employer or a contractor.

The following links can help you if you have any more questions regarding whistleblowing.

- [the ACAS helpline](#) – for more advice on whistleblowing and resolving problems at work
- [Protect](#) – a UK whistleblowing charity which offers free legal advice and supports employers to develop best practice whistleblowing arrangements

Appointed Person

An appointed person should be made known to staff, volunteers and clients alike; as the designated person to whom concerns should be addressed.

The appointed person at The Teignbridge Community Project is:

Colette Palmer

Contact number: 07790930938

If the concern is about this designated person, please report to:

Anna Lofthouse

Contact number:07445158419

Reviewed: 1st August 2024

Next Review: 1st August 2026

Signed:



Date: 1st August 2024

Colette Palmer, Director

Signed:



Date: 1st August 2024

Anna Lofthouse, Director