Whistleblowing Policy and Procedure

Owner: *Chief Executive Officer*
Relevant to: Staff / Volunteers / Contractors

Office Use only:

Department Family:	**SLT Owner:**	**Approval/Re-approval Date:**	**Implementation Date:**	**Next Review Date:**
Governance	CEO	06 April 2026	01 January 2024	06 April 2027

New Policy or Substantive Policy Review

Version	Date	Policy Development Agreed by *(SLT Owner)*	Policy Development Author	Draft Policy Verified by	Policy Approval	Impact Assessment *(if applicable)*
V1	January 2024	CEO	RHB HR Manager	CEO	CEO	Yes

Rationale for new or substantive policy review	As part of the 2023/4 review of all policies it was determined that the current policy should be rewritten to provide greater clarity to affected individuals.

Please make explicit if change/review relates to procedures, guidelines and associated documents only

Periodic Policy Review / Change History

Version	Date of Review / Revision	Description of Change	Reviewed By	Approved By *(SLT Owner)*
V2	30 January 2025	Annual review – no change required	RHB	RHB
V3	30 January 2026	Annual review – no change required	RHB	RHB
V4	06 April 2026	Clause 2 – Change to protected disclosure to include Sexual Harrassment	RHB	RHB

Communication

To be agreed by SLT Team

All Staff Email	X	Team Meetings	
Newsletter		External website	X

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1. Policy Statement

This policy outlines Headway – the brain injury association's (Headway UK) approach to enable staff members and volunteers to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Headway UK encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure are intended to provide safeguards to enable staff to raise concerns about malpractice in connection with the Headway UK.

This policy and procedure also aim to encourage staff members to raise genuine concerns through internal Headway UK procedures without fear of adverse repercussions being taken against them. The law allows staff members to raise such concerns externally and this policy informs staff members how they can do this. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law as explained in this policy.

This policy and procedure also seek to balance the need to allow a culture of openness with the need to protect other staff members against vexatious allegations or allegations which are not well founded.

The principles of openness and accountability, which underpin legislation protecting whistleblowers, are reflected in this policy and procedure. Headway UK is also committed to ensuring compliance with the Bribery Act 2010.

For further advice about using this policy, staff may contact HR or the Employee Assistance Programme (a free confidential personal support service on 0800 028 0199) that gives advice and counselling to staff.

2. Definitions

WORKERS: This includes all employees of Headway UK including apprentices, any casual workers and agency workers engaged by Headway UK.

PROTECTED DISCLOSURE: Protected or qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Sexual harrassment
- Deliberate attempt to conceal any of the above.

And there is a reasonable belief that it is in the "public interest" for protection to apply.

PRESCRIBED ORGANISATION/PERSON: Is an external organisation designated by law as one to whom a whistleblower may make a protected disclosure if, for good reason, they are not able to make the disclosure to their employer. The list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website. Workers may also make disclosures on a confidential basis to a practicing solicitor or barrister or their MP.

SERVICE USERS: includes individuals that use Headway UK services, such as people directly impacted by brain injury, including survivors, their family members and carers; professionals accessing Headway support via the website, publications or helpline; or corporate and individual members of Headway UK.

STAKEHOLDER: includes volunteers, fundraisers, professionals, contractors, corporate partners, and others that come into contact with Headway UK.

3. Principles

Under the Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013, the disclosure of confidential information in the public interest is a lawful act and a worker cannot be dismissed, disciplined, or unfavourably treated provided:

- the whistleblowing procedure has been followed to raise the concerns.
- the worker has acted in the public interest and not for personal gain or out of personal motives.

Disclosure of confidential information or information that may bring Headway UK into disrepute outside of this procedure may not be a protected or qualifying disclosure and therefore workers must not to speak to the media or to any other person or body (other than a prescribed body) without first exhausting the proper procedure.

A worker making a disclosure under this procedure can expect their matter to be treated confidentially by Headway UK and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

Headway UK will take reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by Headway UK does not identify the worker making the disclosure without their written consent, or unless Headway UK is legally obliged to do so, or for the purposes of seeking legal advice.

No disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent Headway UK from bringing disciplinary action against a worker where Headway UK has grounds to believe that a disclosure was made maliciously or is vexatious, or where a disclosure is made outside Headway UK without reasonable grounds.

Headway UK will not tolerate any harassment or victimisation of workers who make disclosures. If at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to HR.

4. Scope and Limitations

The policy and procedure will be applied in accordance with relevant UK legislation.

This policy and procedure does not form part of the employee's contract of employment and so the right is reserved to depart from the contract of employment where appropriate.

This policy does not cover personal grievances including complaints about employment matters which are covered under the grievance policy.

The law protects the employment rights of workers and therefore the policy does not apply to people who are not workers which includes self-employed individuals. Headway UK's stakeholders and service users are also encouraged to raise genuine concerns about suspected wrongdoing using Headway UK's complaints procedure. Where necessary volunteers may choose to raise issues through this policy if necessary.

Workers may be unsure whether it is appropriate to raise their concern under this policy and procedure or whether the matter is a personal grievance, which is more appropriate to raise under Headway UK's staff grievance procedure. Where an employee is concerned about bullying or harassment, they should use the procedure under the Harassment and Bullying Policy to report and resolve the matter and that policy also provides protection against victimisation for reporting a concern. Any worker who is unsure about which policy to use should contact HR for advice.

Whistleblowing concerns in relation to the work of the local branches, which are governed by Headway UK, should be made directed to Headway UK using this policy.

Whistleblowing concerns in relation to the work of local Headway charities (groups), should be made directly to them. Local Headway charities are independent registered charities, so if your issue is regarding your local Headway charity, you should contact them directly to explain that you wish to make a whistleblowing disclosure and therefore would like to receive a copy of their whistleblowing procedure. As local Headway charities are affiliated to Headway UK and operated under the rules of affiliation, if individuals are unable raise concerns with the local Headway groups, you feel these have not been handled appropriately, or if you feel there is a risk of harm to the Headway name, disclosures can be made to Headway UK directly. Headway UK will review the concerns and make a determination as to whether it is appropriate to intervene.

5. Responsibilities

Workers should make themselves aware of the policy and procedure and use it or other appropriate routes to raise concerns.

Managers should make sure that workers within their area have access to the policy and procedure. When a serious matter is raised with them that may constitute a protected disclosure, they should follow the procedure or seek advice from HR.

HR provide advice to managers on the operation of the procedure. Workers may contact HR if they believe they are being subjected to informal pressures, bullying or harassment due to making a disclosure. HR will advise the senior leadership team on changes to the law that might have an impact on whistleblowing policy and procedures as well as periodically reviewing the policy and making minor changes to keep it up to date.

The CEO is responsible for reporting to the board on the operation of the procedure. The CEO will also receive and deal with whistleblowing allegations related to the senior leadership team.

The board of trustees oversees the operation of this policy and ensures that the procedures for investigating disclosures and acting on the findings are proper, proportionate, and independent and that findings of irregularity or other wrongdoing are reported to the appropriate authorities.

6. Whistleblowing procedures

a. Procedure for making a protected disclosure.

Information that a worker reasonably believes to show wrongdoing as outlined in the definition of a protected or qualifying disclosure in the policy should be disclosed promptly to their line manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a staff member can raise the issue with their relevant director or HR.

If the disclosure relates to the CEO, a staff member can raise the issue with the chair of the Board of Trustees. If the disclosure relates to the chair of the Board of Trustees, a staff member can raise the issue with The Charity Commission.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, Headway UK will not be able to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that Headway UK will have difficulty in undertaking an investigation. Headway UK reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure considering the following:

- the seriousness of the issues raised in the disclosure;
- the credibility of the concern; and

- how likely it is that the concern can be confirmed from attributable sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak to HR.

b. Procedure for investigation of a disclosure.

When a worker makes a disclosure, the recipient will acknowledge its receipt, in writing, normally within five working days.

The recipient will then determine whether they believe that the disclosure is wholly without substance or merit. If the recipient considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for that decision and advised that no further action will be taken by Headway UK under this policy and procedure. Factors to be considered when making this determination may include (but are not limited to) the following:

- if the recipient is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- if the matter is already the subject of legal proceedings or appropriate action by an external body; or
- if the matter is already subject to another, appropriate Headway UK procedure.

When a worker makes a disclosure that has sufficient substance or merit warranting further action, the recipient will act as they deem appropriate (including action under any other applicable Headway UK policy or procedure). The recipient will normally notify the CEO and the chair of Audit Committee that a public interest disclosure is being investigated, unless the individuals are the subject of the allegations. The chair of the Audit Committee or nominee, in consultation with the appropriate member of SLT would notify internal auditors, external auditors and the Charity Commission depending on the nature and seriousness of the allegations.

Possible actions could include internal investigation; referral to the Headway UK's auditors; or referral to relevant external bodies such as the police, Charity Commission, the Local Authority Designated Officer (for safeguarding concerns), Health and Safety Executive or the Information Commissioner's Office.

If appropriate, an internal investigation may be conducted by a manager of Headway UK or by an external investigator appointed by Headway UK as appropriate.

There may be situations where the process of investigating a disclosure makes it likely that the identity of the whistleblower would become known to other people in the investigation. Where this seems likely, the investigator will discuss with the whistleblower how this is handled and the safeguards that are available to protect them from detriment.

Any recommendations for further action made because of the investigation will be addressed to the CEO. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The worker making the disclosure will be notified of the outcome of action taken by Headway UK under this policy within a reasonable period. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome to the chair of the Board of Trustees within 10 working days of receiving the outcome letter. The chair of the Board of Trustees (or nominee such as a vice chair) will make a final decision on action to be taken and notify the worker.

c. Disclosure to external (prescribed) bodies.

This policy and procedure have been implemented to allow workers to raise disclosures internally within Headway UK without detriment. A worker has the right to make a disclosure outside of Headway UK where there are reasonable grounds to do so and in accordance with the law.

Workers may make a disclosure to an appropriate external body prescribed by the law. This list of prescribed organisations and bodies can be found in information on the GOV.UK website.

Workers can also make disclosures on a confidential basis to a practicing solicitor or barrister or to their MP.

If a worker seeks advice outside of Headway UK, they must be careful not to breach any confidentiality obligations or damage Headway UK's reputation in so doing.

7. Further Assistance for Staff

A worker making a disclosure may make a confidential request for counselling or other support from Headway UK. Any such request for counselling or support services should be sought from HR and will be dealt with confidentially.

There is advice on whistleblowing at https://www.gov.uk/whistleblowing

Workers can also contact the following: Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows: 3rd Floor, Bank Chambers, 6 - 10 Borough High Street, London, SE1 9QQ.

Whistleblowing advice line: 020 7404 6609 http://www.pcaw.org.uk

Action Fraud reporting line: 0300 123 2040 www.actionfraud.police.uk

8. Implementation Arrangements

All new members of staff are made aware of the policy and requirements during the staff induction process. Updated and amended procedures are disseminated in accordance with the policy review dates.

Training and updating of information is carried out with relevant staff to increase awareness of the requirements.

9. Monitoring and Review

Headway UK will keep a record of all concerns raised under this policy and procedure (including cases where Headway UK deems that there is no case to answer and therefore that no action should be taken) and will report to the board of trustees as and when appropriate.

This policy will be reviewed annually or when there are relevant changes to laws and regulations.

10. Supporting/Related Documents

Staff Grievance Policy and Procedures

Harassment and Bullying Policy

Complaints Procedure