



POLICY ON WHISTLEBLOWING

INTRODUCTION

This policy is to outline ways in which all staff and associates can express concerns about malpractice/wrongdoing and to encourage employees to raise these at an early stage and in an appropriate way.

The 'Whistle Blowing' Policy is primarily for concerns where, due to malpractice, fraud, abuse or other inappropriate acts/omissions, the interest of others or the organisation itself is at risk.

This policy is in place to reassure staff that it is safe and acceptable to speak up and enable concerns to be raised at an early stage and in the right way. Rather than wait for proof, UPP would prefer staff and associates to raise the matter when it is still a concern.

INTERACTIONS WITH OTHER POLICIES AND PROCEDURES

This policy does not apply to complaints about employment or how one or more staff members have been treated. For cases such as this, the Grievance Procedure in Staff Handbook should be used.

There are also a range of policies and procedures that cover issues such as fraud and corruption, CoC breaches, SEA and anti-terrorism and staff are advised to refer to these when considering a disclosure under this policy.

This policy does not replace the UPP Complaints Procedure, which should be used by beneficiaries (or those acting on their behalf) and/or all others who are external to UPP to deal with specific incidents.

The policy is designed to provide a clear commitment to staff that concerns will be taken seriously, and to encourage staff to communicate their concerns through the appropriate channels.

SCOPE OF IMPLEMENTATION

This policy applies to all individuals working at all levels, including partners, consultants, employees (whether permanent, fixed-term or temporary), consultants and contractors, volunteers, associates and board members or any other person associated with UPP, wherever located.

DEFINITIONS

Whistleblowing: 'making a disclosure in the public interest'. It means that if any UPP staff member believes there is wrongdoing in UPP workplace, he/she can report this by following the correct processes and his/her employment rights are fully protected.

Malpractice: could be improper, illegal or negligent behaviour by anyone in the workplace.

PRINCIPLES



- All managers and supervisors at every level of the organisation have a duty to ensure that staff are provided with the opportunity to express their concerns and to do so. In order that staff can express their concerns it is important that clear principles and procedures are established.

- The 'Whistle Blowing' Policy is intended to cover serious public interest concerns that fall outside the scope of other procedures. These are that, in the reasonable belief of the staff member, the following matters either happening now, have happened, or are likely to happen:

- A criminal offence;
- The breach of a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of an individual;
- Damage to the environment;
- Deliberate covering up of/failing to report information tending to show any of the above 5 matters.

The UPP Board and Senior Management is committed to the effective implementation of this policy. The aim of the procedure is to ensure that an appropriate process exists which supports the resolution of matters raised, in response to any disclosure of wrongdoing or irregularity and in a manner which is fair, expedient and discreet.

If staff raise a genuine concern under this policy, he/she will not be at risk of losing job or suffering any detriment (such as reprisal or victimisation).

Provided the reporting staff member is acting in good faith (effectively this means honestly), it does not matter if he/she is genuinely mistaken or if there is an innocent explanation for the reported concerns.

This assurance is not extended to those who maliciously raise a matter they know is untrue.

If, following a thorough investigation, it is found that the staff member raised a matter maliciously; this will be dealt with under the disciplinary process in UPP Staff Handbook as a breach of standard of conduct.

UPP recognises that there may be circumstances when the staff member would prefer to speak to someone in confidence first. If this is the case, that should be requested clearly at the outset.

If the whistle-blower does not wish to disclose own identity, this will not be done without his/her consent unless required by law.

In anycase, it should be stressed that there may be times when UPP will be unable to resolve a concern without revealing the whistle-blower's identity, for example where a personal evidence is essential in court cases for instance). In such cases, UPP will discuss with the staff member whether and how the matter can best proceed.

It should be considered that if the whistle-blower does not tell UPP his/her identity, it will be much more difficult to look into the matter. Most important, UPP will not be able to protect his/her position or to give feedback.

Accordingly any prospective whistle blower should not assume UPP can provide the assurances above in the same way if the report on a concern is made anonymously.

Where an individual does not wish to come forward as a witness, UPP retains the right to pursue the matter further but will respect the anonymity of the individual.

However, it must be noted that this may ultimately prevent the UPP from being able to proceed.



Concerns expressed anonymously are much less powerful but will be considered at the discretion of UPP. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

The procedures contained below should ensure that your concern can be addressed and dealt with internally, however if the whistle blower believes that a disclosure of information should be made externally in the public interest this should be soundly based and he/she should first seek independent and/or specialist advice.

PROCEDURE

If there is a concern about a risk, malpractice or wrongdoing at work, UPP hopes the concerned staff will feel able to raise it firstly with the direct line manager or supervisor.

In the event the concern is about the direct line manager, the report should go to the upper manager in line.

In the event that the concern is about the Executive Director, this concern should be made to the President of UPP, by either the member of staff or their manager, who will decide on how the investigation will proceed.

This first disclosure may be done verbally or in writing.

The whistle blower may involve a Trade Union Representative, a friend or a colleague at this stage, providing that that person is not involved in the investigation.

Line managers must help to create a climate where staff feel able to talk in confidence without the threat of disciplinary action being taken against them.

Once the concern has been reported, the line manager receiving it will assess the facts and consider what action may be appropriate.

The line manager will identify the nature of the issue by undertaking a preliminary investigation that may involve an informal review, an internal inquiry, etc.

If the matter concerns other policies and standards the line managers will immediately refer the subject under the provisions of the specific policy.

If the whistle blower has any personal interest in the matter, UPP does ask that this is disclosed at the outset.

At this stage, the whistle blower will be asked whether he/she wishes the personal identity to be disclosed and will be reassured about protection from possible victimisation.

The whistle blower will also be asked to submit an incident report under the provisions of UPP Staff Handbook paragraph 4.7.1.

If the concern raised is very serious or complex, a formal investigation may be held under the mechanism provided by UPP Staff Handbook in paragraphs 4.7.1 and 4.7.2.

The investigation may need to be carried out under the terms of confidentiality. In certain cases, however, suspension from work may have to be considered immediately.



Protection from harm of potential victims is paramount in all cases.

Where there is no case to answer, but the whistle blower held a genuine concern and was not acting maliciously, the supervisor will ensure that the staff member suffers no reprisals.

If there is no case to answer but there is evidence that the allegation was made frivolously, maliciously or for personal gain, disciplinary action will be taken against the complainant upon the provisions in UPP Staff Handbook, paragraph 4.7.3.

The purpose of this policy is to ensure that staff are aware of the way to raise their concerns in-house and for staff to see that action is taken promptly to remedy a particular situation.

It is hoped that this procedure will give UPP staff the confidence to raise concerns internally.

However, it is recognised that there may be circumstances where staff may feel they wish to report matters to outside bodies such as the Police, the relevant authorities.

If members of staff are contemplating making a wider disclosure they are strongly advised to first seek further specialist guidance from professional or other representative bodies.

UPP also recognises that staff may, after taking account of advice, wish to continue to raise their concerns using other channels. These might include the Media. Staff should bear in mind that this action, if done unjustifiably could result in disciplinary action and could undermine public confidence in the humanitarian sector.

FOLLOW UP

The designated officer will arrange a meeting with the member of staff (where the identity has been disclosed) to give feedback on any action taken. This will not include details of any disciplinary action, which will remain confidential to the individual concerned. The feedback will be provided as soon as possible.

If the member of staff is not satisfied with the action taken/not taken, the whistle blower can file complaint under the paragraph 4.7.2 of the UPP Staff Handbook.

In anycase, UPP recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Board, the Internal Auditors Commission, or, where justified, elsewhere)

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**Approved by the Executive Director
Novella Mori**

On the 3rd January 2018.