



Whistle blowing policy

The Disclosure Act 1998 came into force on 2 July 1999 and protects individuals who "blow the whistle" by reporting bad practice at work. This policy sets out our internal procedures for Whistle blowing.

LINK wants its entire staff to feel confident that they can expose wrongdoing without any risk to themselves. This policy has the full backing of the Trustees and Senior Management of LINK. If something is troubling an employee which they think should be brought to someone's attention, they should report it straight away. They do not need proof, but need to:

- Have acted in good faith, and
- genuinely believed that the information he/she divulged was accurate, and
- not been motivated by personal gain.

Whistle blowing might cover any misconduct (malpractice) that involves:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a risk to the health and safety of any individual
- damage to the environment, or
- concealment of any of the above events.

The malpractice could be happening currently, in the past or is likely to happen in the future.

How to use the Whistle blowing procedure

Stage one

If you have a concern about malpractice you should raise it first by talking or writing to your line manager.

Stage two

If you feel unable to raise the matter through your line management, for whatever reason, you should contact the Whistle blowing Officer (current Chair of LINK) by telephone, e-mail or letter. The organisation encourages staff to make contact confidentially rather than anonymously as it will be easier to investigate the matter.

Stage three

If you have followed this procedure and still have concerns or if the matter is so serious you feel you cannot discuss it with any of the above, you may contact the Honorary President responsible for Whistle blowing designated.

Our Guarantee

If an employee raises a genuine concern, they will not be at risk of suffering any form of retaliation as a result.

- LINK will not tolerate the harassment or victimisation of anyone raising a genuine concern.
- We recognise that you may want to raise a concern in confidence under this policy. If you ask to protect your identity by keeping your confidence, it will not be disclosed without your consent.
- If the concern cannot be resolved without revealing your identity, for example because evidence is needed in court, your employer will discuss with you whether and how we can proceed.

Anonymous complaints are much more difficult to investigate and make it more difficult to protect the complainant's position and tell them what is happening.

Just as we will seek to protect those who raise concerns in good faith, so we will seek to protect those against whom claims are made which turn out to be unfounded. A concern which is made in good faith may turn out to have no basis in reality and both parties would be protected equally. However, if a claim is found to be vexatious or malicious, we will take disciplinary action against anyone making such a claim.

Stage four

Once you have told us of your concern, the Whistle blowing Officer will look into it to assess initially what action should be taken. You will be told:

- who is handling the matter
- how you can contact them
- whether your further assistance may be needed
- if it is more appropriate for you to use the grievance procedure
- if you want it, a written summary of your concern and how it will be handled will be provided.

We may ask you what you think should be done to resolve the matter. If you have any personal interest, you should report it at the outset.

You should note however, that the Whistle blowing officer may not be able to tell you the precise action taken where this would infringe a duty of confidence owed to someone else. The process will be as open as possible subject to these constraints.

We hope that you feel able to raise such matters internally but there may be circumstances where matters should properly be reported to outside bodies such as regulators or the police. The independent whistleblower's charity Public Concern at Work, www.pcaw.org.uk have lawyers who can give staff free confidential advice at any stage about how to raise a concern about serious malpractice at work. They will be able to advise you on such an option and on the circumstances in which staff may be able to contact an outside body which may include the following:

Prescribed regulators including the following:

- Accounts Commission for Scotland
- Office of the Scottish Charity Regulator
- Water Industry Commissioner for Scotland
- Scottish Environment Protection Agency

A full list is available at www.pcaw.org.uk/law-and-policy

However, if you take the external route you would have to show that disclosure was reasonable and that other routes were impracticable because either:

- You reasonably believed that you may be subjected to some detriment by disclosing the information to your employer or to a prescribed person, or
- Your employer might destroy evidence, or
- You had already disclosed the matter properly and felt that no action was being taken.