

Name of policy	Whistleblowing policy
Last updated/reviewed	Nov 2022
Update interval	Every three years
Authorised sign-off	BMS Board of Trustees



6.19 Whistleblowing policy

1. Introduction

BMS is committed to the highest standards of integrity, transparency and accountability and expects employees and others that work with BMS who have serious concerns about any aspect of BMS' work to voice those concerns.

This policy provides the means by which individuals who are concerned about misconduct, can report their concerns and ensure that they are appropriately considered.

2. Overview

Whistleblowing is the term used when an individual passes on information about wrongdoing. Individuals who have a concern that the following matters are happening, have happened or are likely to happen, are encouraged to raise this as soon as possible:

- Any bribery, fraud or other criminal offence (Please refer to the **Anti Bribery Policy** and **Staff Conflict of Interest Policy**)
- A miscarriage of justice
- A risk to health and safety
- A risk or actual damage to the environment
- A breach of any other legal or professional obligation
- A breach of the Safeguarding policy (Please refer to the **Safeguarding policy**)
- Concealment of any of the above

2.1 Protection for Whistleblowing

Individuals with a concern do not need to have proof that these things are happening, so long as they have a reasonable belief, concerns should be reported. Concerns raised by individuals will be welcomed and treated seriously as part of BMS' commitment to maintain high management standards and good practice. BMS recognises the importance of assuring individuals that they will not be harassed or victimised as a result of raising a legitimate concern.

Claims made by employees that are found to be false or vexatious may be dealt with under the **Disciplinary procedure**. Employee personal complaints or concerns are not whistleblowing matters and would be covered under the **Grievance Policy and Procedure** or the **Bullying and Harassment Policy**.

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2.2 Confidentiality

If requested, BMS will take steps to protect the identity of individuals raising a concern, as far as is reasonably practicable. BMS will not disclose the identity of complainants if asked to maintain confidentiality and would seek consent if disclosure was required either by law or to investigate the concern.

3. Blowing the whistle

3.1 Reporting

In the first instance internal reports should be made to the employee's departmental director or externally to the General Director. However, if the director is involved in the activity causing concern, or talking to them presents other challenges then reports can be made to another director, the Director for People & Culture, the General Director or a member of the Board of Trustees. In the case that it is the General Director who is involved in the activity causing concern then a report can be made to the Chair of Trustees. For Anti Bribery, Fraud or Corruption concerns the report should be made to the Finance and Operations Director or the Treasurer and General Director if it concerns the Finance and Operations Director. Reports to trustees will consequently need to be raised with the appropriate director. Reports can be made in person, in a letter or email and should cover:

- what the concern is
- the grounds for believing that malpractice has occurred
- any other details.

Acknowledgement will usually be given within five working days where reports have been made. The person investigating should keep a thorough written record of all stages of the process.

Reports can be made anonymously and will be taken seriously, but it may be difficult to complete a full and complete investigation if it is not possible to follow up with the individual raising the concern.

BMS will decide whether to investigate the matter and if so, by whom. The choice of investigator will be shared with the complainant. Some concerns may require referral to an external body for consideration and investigation. (e.g. the police, the Health and Safety Executive, BMS's auditors, the relevant regulatory body) but usually a preliminary internal investigation will be undertaken first.

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3.2 External reporting

Whistleblowing concerns may also be raised by persons who are not employees of BMS. This may include customers, partners, volunteers or other persons with an association to BMS. Members of the public may also feel they wish to pursue a matter they feel is in the public interest.

The procedure will not differ from that of an employee. However, non-employees may take other routes to disclose, and staff should be vigilant when considering any complaint made by individuals and consider whether said complaint falls within the scope of this whistleblowing policy.

External reports can be made using the latest contact information available on our website, clearly marked for the attention of the General Director, the Chair of Trustees or another relevant person as outlined in section 3.1.

3.3 Outcomes

Due to confidentiality, BMS may not be able to disclose investigations taking place, or action taken on the issue that was raised. Wherever possible, BMS will seek to share the outcome in confidence with the employee who raised the concern.

If an individual is unhappy with the outcome of an investigation by BMS, this should be put in writing to the Chair of the Trustees within five working days of the employee having received notification of the outcome. If necessary, the investigation and decision will be reviewed by a panel of directors/trustees not involved in the original investigation and decision to ensure it was conducted in accordance with due process and based on the evidence available.

3.4 Legal protection

The Public Interest Disclosure Act 1998 (PIDA 1998) provides employees with legal protection against being dismissed or penalised by their employers because of disclosing certain serious concerns. It also requires employees who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by their employer in all but the most exceptional circumstances.

3.5 Where an employee feels they cannot use BMS' internal procedures

BMS employees, trustees and other relevant persons are strongly encouraged to use this procedure to raise concerns of a public interest nature so that BMS has an opportunity to be aware of and where necessary address concerns.

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For free, confidential advice or to raise the concern with an external body following a BMS investigation, speak to the charity, Protect.



Finance and Operations
November 2022