



Whistleblowing Policy

This policy advises employees how Jersey Overseas Aid handles, investigates and records Whistleblowing disclosures, to protect people raising matters of public interest to stop malpractice and wrongdoing

November 2021

Type	Policy
Title	Whistleblowing Policy
Category	Organisational
Version	1. First version and implementation
Author	Rachel Carlotti
Approval Route	Jersey Overseas Aid Commission
Approved by	Simon Boas
Date approved	December 2021
Review date	1st review November 2022 2 nd review November 2023 3 rd review November 2024 4 th review November 2026
Linked polices	Complaints Policy Fraud policy Code of Conduct Safeguarding

Version No.	Amendments
1	New Policy

Contents	Page
1. INTRODUCTION	4
1.1 Rationale	4
1.2 Aims	4
1.2 Scope	4
1.3 Roles & Responsibilities	5
2. POLICY	6
2.1 Activities to be reported	6
2.2 Safeguards	7
3. PROCEDURE	7
3.1 How to raise a concern	
3.2 How the organisation will respond	8
3.3 Confidentiality	9
3.4 Untrue allegations	9

1. INTRODUCTION

1.1 Rationale

Jersey Overseas Aid is committed to the highest standards of accountability, transparency, openness and fairness. In simple terms, whistleblowing occurs when an employee provides certain types of information, usually to the employer or a regulator, which has come to their attention through work.

Whistleblowing is 'making a disclosure in the public interest' and occurs when an employee raises a concern about danger or illegality that affects others, for example members of the public. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party. Typically, the whistle-blower is not directly, personally affected by the danger or illegality, although they may be. Personal complaints such as harassment or discrimination are not usually treated as whistleblowing and should be handled according to Jersey Overseas Aid Grievance Policy and Procedure.

Jersey Overseas Aid takes malpractice and misconduct seriously. Where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation then it is the employee's duty to disclose this information, in confidence, internally and without fear of reprisal.

2.1. Aims of the Policy

The Policy is designed to ensure that wrongdoing or malpractice without fear of victimisation, subsequent discrimination, disadvantage or dismissal. It is also intended to encourage enable serious concerns to be raised within the organisation rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage employees to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for staff to raise those concerns and receive feedback on any action taken ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

1.2 Scope

The purpose and aims of this policy are to:

1. Remind all employees of their duty to report serious concerns.

2. Ensure that all our employees feel confident about raising serious concerns at an early stage.
3. Provide clear guidance to employees about how to raise a serious concern and how the process will operate.
4. Reassure employees that if they raise concerns in the public interest and reasonably believe them to be true, we will not tolerate any reprisal against them and will treat such reprisal as a disciplinary matter.
5. Ensure that employees who raise concerns are provided with feedback on any actions taken and are aware of the options available to them if they are dissatisfied with the response.

The Whistle Blowing Policy is not intended to replace existing procedures, but may be used alongside them where appropriate:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures
- Complaints of misconduct of Jersey Overseas Aid employees, are dealt with under a separate procedure (for further information please refer to the Staff handbook).
- Fraud
- Safeguarding

This policy sets out the procedure for employees to voice concerns regarding malpractice or wrongdoing in a responsible and effective manner. It should be emphasised that this policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the organisation.

1.3 Role and Responsibilities

Everyone within the organisation must:

Report serious concerns as soon as possible through the channels set out within this policy. This applies to all employees, commissioners, partners and JOA volunteers regardless of seniority.

The Executive Director (Or Commission if the complaint concerns the Executive Director) will:

- Deal promptly and fairly with any concerns raised under this policy

- Ensure that the employee's concerns are appropriate for consideration under this policy (if they are not, the employee should be referred to the correct policy)
- Support the employee throughout the Whistleblowing process
- Maintain confidentiality throughout any proceedings
- As far as possible, withhold the identity of the employee who has raised the concern, if the employee has requested confidentiality
- Keep the employee updated as to progress in investigating and resolving their concerns
- Advise the employee that they have a right to bring a recognised trade union representative or workplace colleague to any meetings under this policy
- Implement any actions or recommendations arising from the investigation into the concern ensure that the employee who raised the concern suffers no detriment as a result of raising their concern.

JOA Employees must:

- Raise concerns in confidence at the earliest possible moment
- Never carry out their own investigation
- As far as the employee feels it is possible, assist with any investigation into their concern, including attending meetings, replying to requests for further information and providing signed statements as appropriate
- Immediately pass any information to the investigator when requested
- Always act honestly and in good faith when raising and pursuing concerns under this policy
- Inform the investigator if you have any personal interest in the matter under investigation.

2. POLICY

All employees, commissioners, partners and JOA volunteers regardless of seniority may raise a concern under this policy.

2.1 Activities to be reported

It is impossible to give an exhaustive list of activities that constitute misconduct or malpractice, but the organisation would expect the following to be reported. Employees will need to use their own judgement as to the category within which their concern falls. This might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- damage to the environment
- unauthorised use of public funds or other assets
- financial malpractice, mismanagement, fraud, bribery and corruption;

- activities that endanger the health and safety of employees or the public;
- activities which cause reputational damage to the Island of Jersey or to Jersey Overseas Aid
- other unethical conduct
- actions which are intended to conceal any of the above.

Jersey Overseas Aid recognises that the decision to report a concern can be difficult. It will not always be clear that a particular action falls within one of these categories however; the organisation would prefer employees to report their concerns rather than keep them to themselves.

2.2 Safeguards

It is the organisation's policy to offer protection to those employees who disclose such concerns provided the disclosure be made:

- in accordance with the procedures laid down;
- in good faith and on reasonable grounds;
- exercising due care to ensure the accuracy of the information; and
- in the reasonable belief of the employee that there is malpractice or impropriety taking place.

Appropriate steps will be taken to ensure that the working environment and working relationships are not prejudiced by the fact of the employee's disclosure. Jersey Overseas Aid will not tolerate any harassment or victimisation of individuals who raise serious concerns and will take appropriate action to protect them. Protection covers only the disclosure itself and not the conduct of the employee leading to the disclosure. For example, hacking into a computer system in order to demonstrate deficiencies in security is unlikely to be protected.

3. PROCEDURE

3.1 How to raise a concern

This procedure is designed to enable employees to raise concerns internally. An employee should make their disclosure in writing to the Executive Director. If however the disclosure concerns this individual, then the disclosure can be made to the Chair of the Commission

If the employee does not wish to be identified the employee should make it clear in their written correspondence that the disclosure is being made anonymously. This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us

who you are it will be much more difficult for us to protect your position or to give you feedback.

3.2 How the organisation will respond

On receipt of the concerns the Executive Director may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing. The results of these enquiries will be used to decide whether an investigation is needed and if so, what form it should take.

If urgent action is required, this will be taken before we start any investigation. The Executive Director will then allocate a designated investigating officer (an individual either within or from outside the organisation if it is deemed appropriate that an external investigation is required) as soon as is reasonably possible

The whistleblowing disclosure will be responded to within 7 working days. Within the following 10 working days a further letter will be sent explaining how the organisation proposes to deal with the matter.

The whistleblower will be:

- given an estimate of how long it will take to provide a final response (Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the Police, it is not possible to lay down precise timescales for an investigation. The investigating officer should ensure that investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.)
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how the whistleblower will be informed of progress

If a meeting is necessary, this can be held off site if preferred. A whistleblower will have a right to be accompanied – this can be a union representative, work colleague or friend.

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the organisations retention of records policy.

At the end of our investigations the organisation will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints but will recognise the importance of providing assurances that the matter has been dealt with properly.

The response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by an independent investigator)
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police if a criminal matter.

The organisation will handle all disclosures appropriately, fairly, and sensitively. If the person raising the concern is not satisfied with the response, they can escalate their concerns outside of the organisation to the Greffier of the States.

3.3 Confidentiality

All disclosures will be treated in a confidential and sensitive manner. The identity of the employee making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the organisation would encourage employees to put their name to any disclosures they make. Even if an employee makes an allegation in good faith, which is then not confirmed by subsequent investigation, no action will be taken against that employee.

3.4 Untrue allegations

If, during the investigation process it shows that an employee has made a disclosure in bad faith, in order to cause disruption within JOA, knowingly contains untrue malicious or vexatious allegations, or if the disclosure is made for personal gain, this will be treated as a serious disciplinary offence. In this instance, disciplinary action will be taken following the Disciplinary Policy, which could result in dismissal.