

WCMC Whistleblowing Policy and Procedure

1. This document sets out WCMC's policy and procedure for dealing with concerns raised by staff which relate to suspected misconduct or dangers in the public interest.
2. For the purposes of this policy, the following definitions apply:
 - i) 'The Centre' refers to operations of UNEP-WCMC which is a collaboration between UN Environment and the UK charity, WCMC.
 - ii) 'Staff' refers to all people who do work for UNEP-WCMC, which includes employees, the Director, the Deputy Director, trustees, consultants, contractors, interns, volunteers, casual workers and agency workers.
3. Staff are often the first to realise that there may be something wrong within the workplace, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 (the "Act") recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
4. The Centre is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, staff with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that all staff can do so without fear of reprisals; it is intended to encourage and enable staff to raise serious concerns within the Centre rather than overlooking a problem or alerting anyone external to the Centre.
5. This policy does not form part of any employee's contract of employment and it may be amended at any time.
6. This policy aims to:
 - i) provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
 - ii) reassure staff that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern;
 - iii) allow staff to take the matter further if they are dissatisfied with the Centre's response.

7. A **whistleblower** is a person who raises a genuine concern relating to the matters below. If staff have any genuine concerns related to suspected misconduct or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this policy. Whistleblowing is the disclosure of information which relates to suspected misconduct or dangers at work. This may include:
 - i) a criminal offence, e.g. fraud
 - ii) someone's health and safety is in danger
 - iii) risk or actual damage to the environment
 - iv) a miscarriage of justice
 - v) the company is breaking the law, e.g. doesn't have the right insurance
 - vi) you believe someone is covering up misconduct
8. Before initiating the procedure staff should consider the following:
 - i) the responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff;
 - ii) A staff member should use their line manager, team meetings, the People team, and Staff Liaison Committee and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
 - iii) whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, a staff member must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
9. This policy should not be used for complaints about a staff member's personal circumstances, such as the way s/he has been treated at work. e.g. bullying, harassment, discrimination), unless your particular case is in the public interest. In these cases staff should use the Centre's Grievance Procedure.

Safeguards

10. Harassment or Victimisation

- i) The Centre recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Centre will not tolerate harassment or victimisation of whistleblowers. Individuals must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or any other unfavourable treatment connected with raising a concern. The Centre may take disciplinary action against anyone involved in such conduct.

- ii) This does not mean that if a member of staff is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of the staff member raising a concern under the whistleblowing policy.

11. Confidentiality

- i) We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Centre will make every effort to protect the member of staff's identity if confidentiality is requested.
- ii) As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the staff member to be named as the source of the information, that this will be discussed with them before their name is disclosed.

12. Anonymous Allegations

- i) Staff are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Centre. In exercising the discretion, the factors to be taken into account would include:
 - the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

13. Untrue Allegations

- i) If a member of staff makes an allegation where s/he has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that staff member. If, however, we conclude that a member of staff has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that member of staff.

14. Unfounded Allegations

- i) Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the member of staff who raised the concern, who will be informed that the Centre deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

15. Support to Staff

- i) It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available from the people team, as appropriate, to both the

staff member(s) raising the concerns and any staff member(s) subject to investigation.

How to raise a Concern

16. As a first step, staff should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if a member of staff believes that their immediate manager or their manager's superior is involved, s/he should approach the Head of Operations or Head of People. A member of staff (including members of the leadership team) can by-pass the direct management line if s/he feels the overall management of the Centre is engaged in an improper course of action. In this case please contact the Chair of the Board of WCMC Trustee or the Safeguarding Trustee who will take action directly (see Section 23) or refer the concern to the most appropriate Trustee (please contact the People Team for Trustee contact details). Alternatively, in extreme circumstances refer to section 28 below.
17. A member of staff can also raise a whistleblowing concern relating to a UN Environment employee directly with the UN. Refer to the Office of Internal Oversight Services for further information, <https://oios.un.org/page?slug=reporting-wrongdoing>.
18. Concerns are better raised in writing. The member of staff should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If staff don't not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the member of staff makes it clear that s/he is raising the issue via the whistleblowing procedure.
19. The earlier a member of staff expresses the concern, the easier it is to take action.
20. Although staff are not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
21. In some instances it may be appropriate for staff to ask the people team to raise a matter on their behalf.
22. At each meeting under this policy staff may bring a colleague. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

The Role of Senior Managers or a Trustee (when a member of staff is "blowing the whistle")

23. A Senior Manager or a Trustee may be informed by a member of staff about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

24. The Senior Manager or Trustee should respond by arranging to meet with the member of staff to discuss the concern(s) as soon as possible.

25. Stage One:

- i) At the initial meeting the Senior Manager or Trustee should establish that:
 - there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistleblowing Policy.
- ii) The Senior Manager or Trustee should ask the member of staff, to put their concern(s) in writing, if s/he has not already done so. If they are unable to do this the Senior Manager or Trustee will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Senior Manager or Trustee should make notes of the discussions. The staff member's letter and/or the senior manager's or trustee's notes should make it clear that the member of staff is raising the issue via the whistleblowing procedure and provide:
 - the background and history of the concerns; and
 - names, dates and places (where possible); and
 - the reasons why the member of staff is particularly concerned about the situation.
- iii) Staff should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager or Trustee should positively encourage staff to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- iv) The Senior Manager or Trustee should follow the policy as set out above and in particular explain to the member of staff:
 - who he/she will need to speak to in order to determine the next steps (e.g. Head of Operations or Head of People);
 - what steps s/he intends to take to address the concern;
 - how s/he will communicate with the member of staff during and at the end of the process. It should be noted that the need for confidentiality may prevent the Centre giving the member of staff specific details of any necessary investigation or any necessary disciplinary action taken as a result;
 - that in most cases staff should receive a written response within ten working days;

- that their identity will be protected as far as possible, but should the investigation into the concern require staff to be named as the source of the information, that this will be discussed with them before their name is disclosed;
- that the Centre will do all that it can to protect staff from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated as soon as possible;
- that if the member of staff's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Centre will deem the matter to be concluded unless new evidence becomes available.

26. Stage Two:

- i) Following the initial meeting with the member of staff, the Senior Manager or Trustee should consult with the Head of Operations or Head of People to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.
- ii) It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers or Trustees should take the following factors into account:
 - the seriousness of the issue(s) raised;
 - the credibility of the concern(s); and
 - the likelihood of confirming the allegation(s) from attributable sources.
- iii) In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
 - be investigated internally;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry; or

- be referred to the Charities Commission.
- iv) Senior Managers or Trustees should have a working knowledge and understanding of other Centre policies and procedures, e.g. grievance, disciplinary, to ensure that concerns raised by staff are addressed via the appropriate procedure/process.

27. Stage Three:

- i) As soon as possible and in no circumstances later than ten working days of a concern being received (or as soon as possible), the manager or trustee receiving the concern (at paragraph 5.1 above) should write to the member of staff:
- acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response; and/or
 - telling the member of staff whether any initial enquiries have been made; and
 - telling the member of staff whether further investigations will take place, and if not why not; and/or
 - letting the member of staff know when s/he will receive further details if the situation is not yet resolved

Raising Concerns Outside the Centre

28. The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any misconduct in the workplace. In most cases staff should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for staff to report his/her concerns to an external body such as a regulator. Staff are strongly encouraged to seek advice before reporting a concern to anyone external. If staff are not satisfied with the Centre's response, the manager or trustee should ensure that s/he is made aware with whom s/he may raise the matter externally:

- ii) 'Public Concern at Work'¹
- iii) Tel no: 0207 404 6609¹;

¹ Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns. www.pcaw.co.uk

- iv) Relevant professional bodies or regulatory organisations;
- v) Solicitor.

29. The manager or trustee should stress to the staff member that if s/he chooses to take a concern outside the Centre, it is the member of staff's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

Monitoring and Review

30. The Head of People will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Centre as necessary and no less than once a year.