

## ERGO Network

### Whistleblowing policy

#### 1. Introduction

This policy aims to enable and encourage staff to raise concerns within ERGO Network. ERGO Network is committed to creating a safe, open and transparent workplace culture, where employees are encouraged to raise concerns at the earliest opportunity. ERGO Network recognises that employees are often the first to realise that there may be something seriously wrong within an organisation.

It is important to ERGO Network that any fraud, misconduct, or wrongdoing by workers or Board members of the organisation is reported and properly dealt with. ERGO Network is committed to tackle malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If any cases of wrongdoing are upheld they will be seriously dealt with.

ERGO Network encourages staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Employees will be listened to and serious concerns will be investigated.

ERGO Network will ensure that all employees and Board members will receive induction on the policy so that they are aware of whistleblowing and know how to use this policy.

This policy allows staff to take the matter further if they are dissatisfied with the management response and aims to reassure staff that they will be protected from harassment or victimisation from co-workers or from ERGO Network for raising concerns.

#### 2. Definitions and scope

This policy applies to all staff including interns, volunteers and contractors and self-employed.

For the purpose of this policy, ERGO Network recognises that whistleblowing is the passing on of information about wrongdoing at work. The whistleblower must reasonably believe that they are acting in the public interest. This policy is not for staff with concerns about their employment that affect only them.

The statutory categories for wrongdoing are:

- a criminal offence (such as insurance fraud or illegal tax evasion)
- a breach of any legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment



- deliberate concealment of information about any of the above.

Examples of wrongdoing might include (but are not restricted to) :

- unsafe working conditions
- lack of, or poor, response to a reported safety incident
- inadequate induction or training for staff
- suspicions of fraud
- a bullying culture (across a team or organisation rather than individual instances of bullying).

It is not necessary for the member of staff to have proof that wrongdoing is being, has been, or is likely to be committed. A reasonable belief is sufficient to disclose the concern. The member of staff has no responsibility for investigating the wrongdoing. It is the organisation's responsibility to ensure that an investigation takes place.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

This policy will be reviewed annually from date of issue. Where review is necessary due to legislative change, this will happen immediately.

### **3. Roles and Responsibilities**

The Board is responsible and accountable for this Whistleblowing Policy and Procedure. All staff have a duty to report wrongdoing (whistleblow) under the circumstances set out in section 2 of this Policy.

The Director is responsible for:

- ensuring all staff are aware of this policy and procedure and their responsibilities
- investigating issues raised promptly and thoroughly
- fostering an open culture within their team
- ensuring any whistleblower is not subject to detriment
- escalating issues and engaging the support of external bodies where necessary.

### **4. How to raise a concern**

In many circumstances, the easiest way a member of staff can get their concern resolved will be to raise it formally or informally with the Director. If this is not appropriate as the concern relates to the Director, or if the member of staff does not feel able to raise it with them, or if raising it with their Director does not resolve matters, the member of staff can approach a Board member directly.



Any member of staff who wants to raise a concern that is potentially of public interest, is encouraged to get legal advice where appropriate such as through the trade union representatives of ERGO Network.

If, for any reason, the member of staff does not feel comfortable raising their concern internally, they can raise concerns externally with 'prescribed bodies' (see section 8 below) if they feel this is necessary and in the public interest.

Concerns should be raised in writing (including email). The letter should set out the background and history of the concerns, giving names, dates and places where possible, and the reason why the member of staff is making the disclosure. If the individual does not feel able to make the disclosure in writing, an interview will be arranged.

When any meetings are arranged with an individual who is making or has made a protected disclosure, they have a right to be accompanied by a trade union representative. The meeting can be off site if requested.

The employee raising concerns does not have to prove the allegation but they must demonstrate that there are sufficient grounds for concern. If the member of staff wants to raise the matter in confidence, they should say at the outset so that appropriate arrangements can be made.

Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained throughout the investigation and hearings, other than when a disclosure of identity is needed due to cross examination of the staff member as a witness to any subsequent procedure, or is required by law.

It is best to raise a concern openly, because that makes it easier for ERGO Network to follow it up. ERGO Network will not disclose the whistleblower's identity without their consent unless there are legal reasons that require them to do so. This might be, for example, where their information is about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. If this is the case, ERGO Network may have to tell the police or another official body, or if required to do so by a court. ERGO Network will let the individual know if it has to do this and that this will identify them to another body.

Staff may, if they wish, disclose information anonymously. However, it should be noted that in such circumstances, ERGO Network will not be able to contact staff to discuss their concern or ask them for further information, nor will they normally be able to give any feedback about any action it takes.

## **5. Response**

Any concern raised under this policy will be investigated thoroughly, promptly and confidentially. Any approach to the Director or a Board member will be treated with the strictest confidence and the member of staff's identity will not be disclosed without their prior consent. All members of staff will be treated with respect at all times and the person raising the concern will be thanked. There may be a meeting with the member of staff raising the concern to ensure the Director or board member understands exactly the particular worry.

When any meetings are arranged with an employee who has made a protected disclosure, they have a right to be accompanied by a trade union representative. The meeting can be off site if requested.



When an individual makes a disclosure, the organisation will process any personal data collected as part of the investigation in line with ERGO Network's data protection policy, ensuring the data is stored securely and only accessed by those individuals essential for dealing with the disclosure.

Within five working days of a concern being raised, the Director or Board member who received the disclosure will write to the member of staff setting out the following:

- Acknowledgement that the concern has been received, the date it has been received, whether the person who raised the concern has requested confidentiality, and a summary of the concern
- Indicating how the matter will be dealt with and by whom and how they can be contacted
- Telling the member of staff when an investigation has or is to be started and if further assistance will be needed from them.

The member of staff who raises the concern will be told how long to expect the investigation to take and will be kept up to date with its progress.

The matters raised may be investigated internally. Where it has not been possible to resolve the matter quickly (usually within a few days) with the Director, someone suitably independent will carry out an investigation.

The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring. The investigator may decide that the concern would be better looked at under another process, such as the safeguarding policy. If so, this will be discussed with the member of staff.

In the event that misconduct is discovered as a result of any investigation under this policy, the disciplinary policy and procedure will be invoked in addition to any external measures.#

On conclusion of any investigation, the member of staff will be told the outcome of the investigation and what ERGO Network has done, or proposes to do, about it. Wherever possible, ERGO Network will share the full investigation report with the member of staff who raised the concern (while respecting the confidentiality of others). If no action is to be taken, the reason for this will be explained.

If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to the Chair of the Board who will arrange any further investigation as they think appropriate. The chair of the Board will send a written response to the individual concerned.

More serious disclosures may be referred to an external prescribed person or body and may form the subject of an independent inquiry.

## **6. Harassment and victimisation**

ERGO Network understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice. ERGO Network will not tolerate harassment and victimisation of anyone raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern. Any such behaviour is a serious breach of our values as an organisation and, if



upheld following investigation, could result in disciplinary action potentially leading to dismissal.

Nor will ERGO Network tolerate any attempt to bully anyone into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

This policy encourages members of staff to put their name to their concerns. Concerns expressed anonymously are harder to follow up and have an effective outcome.

If a member of staff makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff. They will not be at risk of losing their job or suffering any form of reprisal as a result. Provided the member of staff is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

## **7. Reporting a concern to an external body**

This policy is intended to provide a route by which members of staff can raise concerns internally. However, if an employee is unhappy with the outcome of an investigation or if, for any reason they do not feel comfortable raising their concern internally, they are free to take the matter outside of the organisation to a prescribed person. In Belgium, [The Federal Institute for the Protection and Promotion of Human Rights](#) is the central information point for the protection of whistleblowers, and is responsible for providing and monitoring the necessary support measures to whistleblowers. They also provide more information and support.

## **8. Acknowledgment**

By signing, the individual named below understands what constitutes Whistleblowing and the channels provided for it in ERGO Network.

The signee agrees to abide by the procedures set forth by this policy for the duration of their relationship with ERGO Network

Name (printed): \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

Signature: \_\_\_\_\_

