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Whistleblowing Policy

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1. Introduction

An important aspect of ARTICLE 19's accountability and transparency values is a mechanism to enable all individuals to voice concerns *internally* in a responsible and effective manner when they discover information which they believe shows serious malpractice. It is important to ARTICLE 19 that any illegality, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. ARTICLE 19 therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

ARTICLE 19 encourages workers¹ to raise their concerns under this procedure. If a worker is unsure whether or not to raise a concern, they should discuss the issue with their line manager, their primary contact at ARTICLE 19, a member of the Senior Management Team (SMT) or Human Resources. External stakeholders, who are not covered by the general definition of 'worker', may also report under this policy using the mechanisms outlined in sections '6. External Disclosures' and '8. Contact for disclosures' or if appropriate, by using the complaints mechanism on the ARTICLE 19 website.

This policy does not replace other human resources policies or procedures. For example, if a worker has a grievance about their working conditions they should use the Grievance policy and procedures or, if they felt that their manager or a colleague was treating them unfavourably, they should use the Sexual Harassment policy or Harassment and Bullying policy. Similarly, if a worker has a concern about the conduct of a fellow worker in the working environment (e.g. that they are not treating colleagues with respect) they should raise these with their line manager, their primary contact at ARTICLE 19, a member of the Senior Management Team (SMT) or Human Resources.

This policy also outlines how workers may voice concerns externally if in the circumstance they feel internal reporting is not suitable.

2. Background

Whistleblowing is the term used when someone who works in, or for an organisation (referred to in this document as a "worker") raises a concern about a possible fraud, crime, danger or other serious risk that could threaten beneficiaries, colleagues, stakeholders, the public, or the organisation's own reputation.

UK law provides protection for workers who raise legitimate concerns about specified matters. Where disclosures are made in the public interest, workers have statutory protection under the Public Interest Disclosure Act 1998 (PIDA). These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that misconduct has been, is, or will be committed. Many other countries also have similar laws, which offer procedures and protections similar to PIDA. This is also recognized in international law. (A/70/361)

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he or she has made a disclosure.

¹ The definition of a 'worker' includes all those covered by the general definition of 'worker' in [section 230\(3\) Employment Rights Act 1996](#). So these are:

- employees (and ex-employees) who work (worked) under a 'contract of employment'; and
- workers (and ex-workers) who work (worked) under 'any other contract...to perform personally any work or services for another party to the contract'.

It is intended that this policy will provide procedures and protections at least, if not better than national law, as applicable.

3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- No worker or other person will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he or she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure ARTICLE 19's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any wrongdoing, even by a person in authority, worker should not agree to remain silent. They should report the matter to a member of SMT, Executive Director, Human Resources or Chair of the Board, as appropriate.
- This procedure is for disclosures where an individual has a concern about a danger, misconduct, or illegality that has a public interest aspect to it; usually because it threatens others (e.g. beneficiaries, donors, partners, or the public). If a worker is concerned that their own contract has been, or is likely to be, broken, or they have a complaint about their own employment position, they should use ARTICLE 19's grievance procedure.

4. Application

This policy applies to all current and former employees of ARTICLE 19 associated with the international office as well as regional offices and otherwise. It also applies to other individuals performing functions in relation to ARTICLE 19, such consultants, unpaid interns, agency staff, partners, and contractors and suppliers of services. This policy is also applicable to those who, under any other contract, perform personally any work or services for another party to the contract.

The policy shall apply to a disclosure that one of the following acts is being, has been, or is likely to be, committed:

- a criminal offence, including corruption, fraud or bribery;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- financial or ethical irregularities;
- a breach of any other legal obligation;
- a violation of any ARTICLE 19 policy not covered by a grievance procedure; or
- concealment of any of the above;

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

5. Procedure

5.1. Confidentiality and Anonymity

Normally workers should make disclosures internally. The identity of the worker will be kept confidential at all stages in any internal matter. While ARTICLE 19 can provide internal anonymity, it cannot guarantee this will be retained if external legal action flows from the disclosure. If the worker prefers to make a disclosure externally, they should refer to section 6 which provides details on "External Disclosures". ARTICLE 19 cannot promise anonymity where the worker has told others of the alleged misconduct or when a small number of people may know of the conduct.

Whilst ARTICLE 19 encourages the worker reporting a concern to identify themselves, anonymous disclosures will nevertheless be taken very seriously and investigated fully. However, the effectiveness of any whistleblowing enquiry may be limited where an individual chooses not to be identified.

5.2. Representation

It is recognised that for some workers, raising a concern under this procedure may be a daunting and difficult experience. A worker may choose to be accompanied or represented by their trade union representative or colleague at any stage of this procedure.

5.3. Stage 1:

In the first instance a worker should approach their line manager, responsible for supervising their work and/or allocation of duties. If more than one person supervises their work, the worker should report to the person who can best respond.

If the worker is concerned that their line manager or a member of SMT is involved in the wrongdoing, they should report to the Executive Director or Human Resources to deal with the case. Workers based in regional offices should report to the Executive Director, Human Resources or the chair of their regional board.

If the worker is concerned that the Executive Director is involved in the wrongdoing, they should report to the member of the management team responsible for supervising their work, who will report the matter directly to the Chair of the Board of Trustees; however, where it is the Executive Director who is directly responsible for supervision, the matter should be reported by the worker themselves directly to the Chair of the Board of Trustees.

Whistleblowing concerns may also be reported internally using whistleblowing@article19.org which is an email address monitored by Human Resources. This email address may also be used by any external stakeholders who wishes to report a concern but feel they are unable to via their primary contact within ARTICLE 19.

5.4. Stage 2:

The line manager or a member of SMT in consultation with Human Resources will arrange an investigation into the matter. The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. Their line manager (or the person who carried out the investigation) will then report to the SMT, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the worker's line manager (or the person who carried out the investigation) will report the matter to the Human Resources and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

5.5. Stage 3:

If the worker is concerned that their line manager or the person in charge of investigation, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, they should inform the Executive Director, who will arrange for a review of the investigations, make any necessary enquiries and make his or her own report to the SMT as in stage 2 above. If for any other reason the worker does not wish to approach their line manager they should, in the first instance contact the Executive Director. Any approach to the Executive Director will be treated with the strictest confidence and their identity will not be disclosed without prior consent.

5.6. Stage 4:

If the worker is not satisfied with the response received and any subsequent action taken, or their concern is related to the Executive Director, they should put their concerns in writing to the Chair (or another appropriate trustee) who will arrange any further investigation as he/she thinks appropriate. The Chair will send a written response to the individual concerned.

The Executive Director will be informed of all reported disclosures and the actions being taken. In the case of disclosures on alleged fraud, bribery and corruption, the Director of Finance and Operations and ARTICLE 19's auditors will be informed by the Executive Director.

If on conclusion of stages 1, 2, 3 and 4 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority.

6. External disclosures

While we hope this policy gives workers the reassurance needed to raise concerns internally with us, we recognise that there may be circumstances where the worker can properly report a concern to an outside body.

Government Bodies: The legislation sets out a number of bodies to which qualifying disclosures may be made. For the UK, these include:

- The Charities Commission ([See this link](#) for additional guidance)
- HM Revenue & Customs;
- The Financial Conduct Authority

- the Director of Public Prosecutions; and
- The Serious Fraud Office.

Public disclosure: ARTICLE 19 recognises that whistleblowing is a protected freedom of expression under international law, as well as any national laws. We hope that the internal processes should be sufficient but acknowledge that in some circumstances that making public concerns may be the only means of addressing concerns. This includes the media and/or funders.

Assistance: Public Concern at Work or the relevant national local organisation will be able to advise on options.

7. Independent Advice

If a worker is unsure whether to use this policy or they want confidential advice at any stage, they may contact the independent charity Public Concern at Work on +44 (0)20 7404 6609 or by email at helpline@pcaw.org.uk. Their lawyers will talk through options and provide assistance to raise a concern about malpractice at work.

A worker can also receive advice from an independent legal expert provided by the staff union or one of their own choosing.

8. Contact for disclosures

Cases may be reported on a confidential basis or may be reported anonymously using the email address whistleblowing@article19.org which is monitored by Human Resources. This email address may also be used by any external stakeholders who wishes to report a concern but feel they are unable to via their primary contact within ARTICLE 19.

Alternatively concerns can also be sent to us via the contact us form on our website <https://www.article19.org/contact-us/>. Or via post to:

FAO Human Resources
ARTICLE 19
Free Word Centre
60 Farringdon Road
London EC1R 3GA
Unite Kingdom

When using either of these methods please ensure it is marked as confidential and for the attention of Human Resources.

In the instance were a disclosure is made by an external stakeholder who is not covered by the general definition of 'worker', ARTICLE 19 will treat the disclosure with the same principles around anonymity, however cannot guarantee this will be retained if external legal action flows from the disclosure. In the instance of an external disclosure, the same principles around investigation will apply and the external stakeholder will be notified on the conclusion of any investigation. If they are unhappy with the outcome of the investigation, then they may also raise this via stage 3 of the procedure or by contacting one of the external bodies listed in section 6.

9. Prohibition of retaliation.

All workers and others in a relationship with ARTICLE 19 are prohibited from taking any detrimental action or harassment against a person who has reported under this policy to any person or entity in line with the procedures and principles.

END.