

Cycling UK
Whistleblowing Policy and
Procedure
February 2021



Introduction

The use of the Whistleblowing policy and procedure should be considered where there is a reasonable belief that:

- a criminal offence has been committed, is being committed, or is likely to be committed;
- a person has failed, is failing, or is likely to fail to comply with their legal obligations;
- a miscarriage of justice has occurred, is occurring, or is likely to occur;
- the health and safety of any individual has been, is being, or is likely to be endangered;
- the environment has been, is being or is likely to be damaged; and
- concealment of any of the above is being, has been, or is likely to be, committed.

If you are unsure whether to raise a concern, you should discuss the issue with your line manager, volunteer coordinator (member group secretary, group leader), the head of hr, the director of organisational effectiveness and finance or the chief executive.

If the concerns fall outside of scope of the above criteria the individual in question may consider the Cycling UK complaints policy a more appropriate route to escalating any concerns.

Policy

This policy is statutory and contractual for employees and complies with The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998.

This policy has been designed to take account of the ACAS guidelines on whistleblowing and sets out the way in which individuals may raise any concerns that they have and how those concerns will be addressed.

The Public Interest Disclosure Act does not provide statutory protection to volunteers. However, Cycling UK is committed to applying the policy principles to all stakeholders engaged with the organisation and will protect volunteers who raise concerns in good faith.

It is important to Cycling UK that any fraud, bribery, misconduct or wrongdoing by staff members, volunteers or others working on behalf of Cycling UK are reported and properly addressed.

Cycling UK therefore encourages all individuals to raise any concerns that they may have about the conduct of others within and associated with the organisation or the way in which the organisation is run.

Scope

The Whistleblowing policy and procedure is a statement of the policies and procedures which are used by Cycling UK, and we reserve the right to amend these policies and procedures at any time. This policy does not form part of the terms and conditions of employment or any other working/volunteering arrangement that individuals may have with Cycling UK.

This policy applies to all employees, officers of the organisation, volunteers and members. Other people performing services in relation to the organisation such as agency workers, consultants and contractors are encouraged to use it.

Background

The [Public Interest Disclosure Act 1998](#) amended the Employment Rights Act 1996 to provide protection for staff who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence has been committed, is being committed, or is likely to be committed;
- a person has failed, is failing, or is likely to fail to comply with their legal obligations;
- a miscarriage of justice has occurred, is occurring, or is likely to occur;
- the health and safety of any individual has been, is being, or is likely to be endangered;
- the environment has been, is being or is likely to be damaged; and
- concealment of any of the above is being, has been, or is likely to be, committed.

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

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

It is understandable that whistleblowers, employees and volunteers are sometimes concerned about possible repercussions. Volunteers must not suffer any detrimental treatment because of raising a concern. This includes termination of volunteering role or being treated unfairly during or after the resolution.

Staff and other volunteers must not abuse or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to formal actions.



This procedure is based on the procedure for employees, while recognising the distinct status of volunteers

- the Public Interest Disclosure Act 1998 does not provide statutory protection to volunteers.
- the Policy and Procedure are not contractual for volunteers.

Cycling UK promise to protect any volunteer who raises concerns.

Cycling UK encourages staff and volunteers to raise their concerns under this procedure in the first instance. If you are unsure whether to raise a concern, you should discuss the issue with your line manager, volunteer coordinator (member group secretary, group leader), the head of hr, the director of organisational effectiveness and finance or the chief executive. If you wish to raise a qualifying disclosure relating to the acts or omissions of the chief executive, you should raise the matter with the chair of the board of trustees by email trustees@cyclingsuk.org

Whilst the Public Interest Disclosure Act provides protection for staff who wish to raise legitimate concerns, Cycling UK's policy is that all of those members, volunteers or others, engaging with or working with the Charity should have the same means of raising legitimate concerns. Where a member, volunteer or another individual engaging with or working with the Charity wishes to raise a legitimate concern they should do so in line with the policy and following the process set out to escalate this concern to the relevant member of staff.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work or anywhere within the organisation. Staff, members, volunteers and others working on behalf of Cycling UK should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised it.
- The identity of the individual raising the matter will not be disclosed where possible but this cannot be guaranteed in all circumstances.
- No employee, member, volunteer or other person working on behalf of Cycling UK 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 they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a formal offence and be in contravention of our Code of Conduct.
- If misconduct is discovered as a result of any investigation under this procedure Cycling UK's disciplinary procedure will be used, in addition to any appropriate external measures.

- Maliciously making a false allegation is a disciplinary offence and in contravention of our Code of Conduct.
- Any instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a Line Manager/Vol coordinator, you should not agree to remain silent. You should report the matter to the director of organisational effectiveness and finance or the chief executive.

Data protection

Data Protection is not a barrier to reporting legitimate concerns or interests.

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Procedure for staff

This procedure is for use by employees and is for disclosures about issues other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use Cycling UK's Grievance Procedure.

Reporting a matter will not provide immunity for misconduct engaged in by the individual making the report, but prompt and forthright disclosure will generally be considered a mitigating factor in determining any consequences to the worker in accordance with relevant laws.

Stage 1:

In the first instance, and unless the individual reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the individual does not wish to approach their line manager, any concerns should be raised with the individual's line manager.

If the individual believes their line manager to be involved, or for any reason does not wish to approach their line manager, then the individual should proceed straight to stage 3.

Stage 2:

The line manager in conjunction with the head of hr will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in an appropriate position). The investigation may involve the individual and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The individual's statement will be considered, and they will be asked to comment on any additional evidence obtained. The person who carries out the investigation will then report to the director of organisational

effectiveness and finance who will take any necessary action, including reporting the matter to any appropriate authority.

If the matter is about the chief executive Officer or a trustee, the matter must be raised with the chair of the board of trustees who may appoint a member of the senior management team not previously involved to review and/or take any necessary action, including reporting the matter to any appropriate regulatory agency.

On conclusion of any investigation, the individual will be told the outcome and what the organisation has done or proposes to do. If no action is to be taken, the reason for this will be explained.

If disciplinary action is recommended as an outcome of the investigation the appropriate disciplinary policy will be followed, the line manager will start the procedure.

Stage 3:

If the individual is concerned that their line manager is:

- involved in the wrongdoing;
- has failed to arrange a proper investigation, or
- has failed to report the outcome of the investigation

the individual should inform the director of organisational effectiveness and finance / chief executive to review the investigation carried out, make any necessary enquiries and make their own report to the ceo.

Stage 4:

If on conclusion of Stages 1, 2 and 3 the individual reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out several bodies to which qualifying disclosures may be made.

These include:

- The Charity Commission;
- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

For further advice you may also contact [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

In line with CUK's governance regime, the director of organisational effectiveness and finance will be responsible for informing the audit and governance committee of any known cases of whistleblowing.

In turn, the audit and governance committee will maintain oversight of this policy and procedure to ensure it has been administered appropriately and that any disclosures have been investigated and reported appropriately, through reporting at their quarterly sub-committee meetings.

Procedure for Volunteers

Cycling UK commits to applying the spirit and principles of this policy to volunteers and will protect volunteers who raise concerns internally and in good faith. If a volunteer has been involved in the issue they are reporting, and their behaviour and actions are potentially of concern, they may still be subject to investigation under the Cycling UK Complaints Policy

However, prompt and full disclosure will usually be a mitigating factor when considering any negative consequences for the volunteer.

Variations for volunteers in different settings

There are a range of "settings" in which a volunteer may be involved, and which may affect the escalation procedure for whistleblowing:

- Volunteers involved in member group volunteering; activities of member groups; campaigners; and direct volunteers; including volunteering in a Community Cycle Club set up by Cycling UK or delivering Cycling UK work and projects: contact their main staff contact and follow the procedure set out below.
- Other volunteers, such as affiliated groups and other Community Cycle Clubs are not within scope of this procedure and should follow the Cycling UK Complaints Policy in the event of any concern.

Stage 1

If you are unsure whether to raise a concern, you should discuss the issue with your, volunteer coordinator (member group secretary, group leader), the head of hr, or the director of organisational effectiveness and finance.

1.1 Any concerns should be raised in the first instance either be raised with the chair, welfare officer or appropriate committee member of relevant member group or with the volunteer's main staff contact and should be referred to Cycling UK staff. If unsure about who their main staff contact is, the volunteer should contact the volunteering team for advice.

1,2 If the volunteer believes their main contact is involved in the issue of concern, or they do not wish to raise it with them, the volunteer should go straight to Stage 3.

Stage 2

2.1 Unless the matter involves the chief executive officer or a trustee (see 2 below), the volunteer's main staff contact will arrange an investigation, identifying, in conjunction with the volunteering team and head of hr, an appropriate member of staff as an

investigator. The investigator should be approved by a senior management team member.

If the matter is about the chief executive officer or a trustee, it must be reported to the chair of the board of trustees. The chair may appoint a member of the senior management team not involved to investigate and take any necessary action, including reporting the matter to any appropriate regulatory agency.

If the matter is about the chair of the board of trustees, it must be raised with the vice chair. The vice chair may appoint the chief executive officer or director of organisational effectiveness and finance, if not involved, to investigate and take any necessary action, including reporting the matter to any appropriate regulatory agency.

2.2 The investigation will be carried out in accordance with the Principles set out in the policy. Investigations may involve written statements by people involved, interviews, and gathering of other types of evidence. In most cases the investigator will produce a written report for a member of the senior management team, who will take any necessary action, which may include reporting the matter to the appropriate regulatory agency. If the investigation becomes unavoidably lengthy, the volunteer will be updated about this. The volunteer who raised the matter will be told the outcome of the investigation and what actions the appointed senior management team member has taken or proposes to take (see also 3 below). If it is decided that no action will be taken, the volunteer will be told the reasons for this decision.

2.3 The investigator may recommend that action is required against those involved in the matter. In the case of staff this will be reported to the head of hr for potential disciplinary action.

In the case of volunteers this will be reported to the relevant senior management team member. All findings from the investigation regarding the volunteer(s) will be reviewed and any action taken as is deemed fair and necessary. The volunteer who raised the matter will be informed about the outcome.

In reporting back to the volunteer who raised the concern, the confidentiality of individuals should be preserved, particularly where further investigation or disciplinary action may be required. The volunteer can be told that Cycling UK is applying internal procedures to one or more individuals.

Stage 3

The volunteer should inform the director of organisational effectiveness and finance if they believe that:

- their main staff contact is involved in the wrongdoing;
- a proper investigation has not been carried out, or
- the outcome of the investigation has not been reported to them.

If the volunteer's main staff contact is potentially involved or there are concerns about the handling and reporting of the investigation, the director of organisational effectiveness and finance (or the ceo) will appoint a member of the senior management team, not previously involved, to arrange an investigation as outlined in Stage 2 with the findings of the investigation reported to the appropriate senior staff member or chair of the board.



The volunteer will be told whether the investigation was found to have been fair and proper or whether some or all of it needs further review.

Stage 4

If on conclusion of Stages 1, 2 and 3 the volunteer reasonably believes that appropriate action has not been taken, they should report the matter to the relevant authority. There are a number of bodies to which disclosures may be made.

These include:

- The Charity Commission;
- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

Appendix 1: Making a public interest disclosure (whistleblowing)

This form is intended for use by any individual working or volunteering for the organisation (including contractors and agency workers) who wishes to raise an issue about wrongdoing.

If you are unsure about whether your concerns are best dealt with under the organisation's whistleblowing policy or grievance procedure, please read the organisation's whistleblowing policy, which provides examples of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult a member of HR for further guidance.

Once you have submitted this form, the organisation's whistleblowing procedure will be invoked. This will result in an investigation that may include people you may have implicated below.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the organisation will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to the relevant person in line with the Whistleblowing policy sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (Whistleblowing)	
Full Name	
Cycling UK Role	
Department / Team	
Location	
Date	
Does your disclosure relate to your line manager?	Yes / No
I wish to remain anonymous Anonymity may not be guaranteed in all circumstances	Yes / No
Summary of disclosure	
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.	
Individuals involved	
Please provide the names and contact details of any people involved in your concern, including witnesses.	

Please note witnesses will be contacted as part of any investigation

Outcome Requested

Please set out how you would like to see this issue dealt with and why and how you believe that this will resolve the issue

Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.

Completed by

Signature

[electronic signature / authorisation as appropriate]

Date