ASFP

POLICY STATEMENT

Whistleblowing - Public & Association Interest Disclosure Policy

Statement of general policy

The Association's policy is to support whistleblowers – that is, an ASFP Member(s) (employee) who raise protected disclosures. The ASFP or other ASFP Members must not victimise, subject to detrimental treatment or retaliate against an ASFP Member who has made a protected disclosure.

ASFP Members disclosing information that qualifies as 'whistleblowing' will be protected provided they reveal information of the right type (known as a 'qualifying disclosure'), and they reveal that information to the right (ASFP) person and in the right way (known as making a 'protected disclosure').

Qualifying disclosures

Certain kinds of disclosure automatically qualify for protection under this policy. These are disclosures of information which a Member (employee) reasonably believes are made in the public and/or Association's interest and tend to show 1 (one) or more of the following relevant failures that is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence, including offences such as theft, fraud or acts of bribery.
- The breach of a legal obligation.
- A breach of the Association's Mem & Arts and/or Byelaws.
- A breach of any recognised industry best practice and/or standards.
- A danger to the health and safety of any individual(s), company or asset.
- Deliberate covering up of information tending to show any of the above.

The belief held by the Member (employee) must be reasonable, but it need not be correct. It might be discovered subsequently that the Member (employee) was in fact wrong or mistaken in their belief, but they must show that it was a reasonable belief to hold in the circumstances at the time of disclosure.

The Member (employee) must also reasonably believe that their disclosure is made in the public and/or Association's interest. It will therefore not include disclosures which can properly be characterised as being of a personal nature rather than a wider public and/or Association interest.

Protected disclosures

For a qualifying disclosure to be a protected disclosure, a Member (employee)needs to make it to the right authority and in the right way. There are a number of methods by which Member(s) (employee(s)) can make a protected disclosure, but the Association always encourages Member(s) (employee(s)) to raise any disclosure with the Association directly in the first instance.

Members and their employees are protected if they make a qualifying disclosure to either:

- The Association, a member of Association staff or;
- An elected member of the ASFP Council.

Member(s) (employee(s) are encouraged to raise any qualifying disclosures that they may have by following the disclosure procedure set out below.

The disclosure procedure

This procedure applies to all Member companies and their employees. In addition, third parties such as agency workers, consultants and contractors and any others who perform functions in relation to the Member company should use it.

In the event of a Member (employee) wishing to make a qualifying disclosure, they should follow the following steps:

1. They should, in the first instance, report the situation in writing to the Association's Managing Director and/or Operations Director.
2. Such disclosures should be made promptly so that investigation may proceed, and any action taken expeditiously.
3. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, the Member (employee) will be interviewed and asked to provide written witness statement(s) setting out the nature and details of the disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Association must be able to determine the scope of the investigation and the individuals who should be informed of and/or interviewed about the disclosure. The Member (employee) reserves the right to arrange for another senior manager or officer of the Association to conduct the investigation other than the manager with whom the Member (employee) raised the matter.
4. Once the investigation has been completed, the Member (employee) will be informed in writing of the outcome and the Association's conclusions and decision as soon as possible. The Association is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
5. Member(s) (employee(s)) will not be penalised for raising a qualifying disclosure even if it is not upheld unless the complaint was both untrue and made with malice.
6. Once the Association's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external authority and/or department or regulatory agency and/or taking internal disciplinary action against relevant Member(s) companies and/or their employee(s). If no action is to be taken, the reasons for this will be explained to the Member company and/or employee.
7. If, on conclusion of the above stages, the Member (employee) reasonably believes that appropriate action has not been taken, they may then report the matter to the proper authorities but should include any correspondence from the Association in that report.

Whilst the Association encourages Member(s) (employee(s)) to use this procedure to raise their concerns, alternatively, Member(s) (employee(s)) are free to raise their concerns using the Association's 'Appeals and Complaints' procedure given in the Association Byelaws..

General principles

- Member(s) (employee(s) should be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing. They should report anything they become aware of that is illegal or unlawful.
- Member(s) (employee(s) will not be victimised, subjected to a detriment or dismissed for making a protected disclosure under this procedure.
- Victimisation of a Member and/or employee(s) or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the Association. It is a disciplinary offence and, where appropriate, will be dealt with under the Association's disciplinary procedure for Association staff and/or Members' Code of Conduct as referenced in the Association Byelaws. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in the Association's employee's summary dismissal or termination of engagement or the removal of (company) membership.
- Member(s) (employee(s) should immediately draw to the attention of the Association suspected cases of victimisation or detrimental treatment related to either themselves or to any of their employees having made a protected disclosure.
- Covering up someone else's wrongdoing brings the Member company into disrepute. Member(s) (employee(s) should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority.
- A Member(s) (employee(s) right to make a protected disclosure under this procedure overrides any confidentiality provisions in their contract of Association Membership.
- Finally, maliciously making a false allegation is considered Association misconduct and (possibly) a criminal offence.

The Association will process the personal data collected in connection with the operation of this policy in accordance with its data protection policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of personal data will constitute a data breach and should be reported immediately to the Association's Managing Director [Mike Ward] in accordance with the Association's data protection policy. Reported data breaches will be investigated and may lead to sanctions under the Association's disciplinary procedure.