

Back on Track Policies

Whistleblowing (Speaking Up) policy

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Policy Owner: Chief Executive	Dave Maguire
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Purpose

Back on Track is committed to high standards of integrity, honesty, accountability and professionalism.

We want everyone involved with Back on Track to feel able to speak up if they become aware of serious wrongdoing or practices that could put people, the organisation or the wider public at risk.

Raising concerns at an early stage gives us the opportunity to investigate, take appropriate action and safeguard our members/service users, staff, volunteers, resources and reputation.

This policy explains:

- what whistleblowing is;
- how to raise a concern;
- how concerns will be handled;
- the protection and support available to people who speak up; and
- how concerns may be escalated outside Back on Track where appropriate.

2. Who This Policy Applies To

This policy applies to employees and also provides a route through which trustees, volunteers and others working with or on behalf of Back on Track may raise concerns.

Back on Track will take concerns raised by anyone associated with the organisation seriously and will not tolerate victimisation or detrimental treatment because someone has raised a genuine concern.

However, statutory whistleblowing protection does not apply to every category of person in the same way. In particular, volunteers do not generally have the same statutory protection as workers.

3. Protection in Law

The **Employment Rights Act 1996**, as amended by the **Public Interest Disclosure Act 1998 (PIDA)**, provides legal protection for workers who make qualifying protected disclosures.

A worker may be legally protected where they reasonably believe that:

- the information they disclose tends to show a relevant type of wrongdoing;
- raising the concern is in the public interest; and

- the disclosure is made through an appropriate route.

A person raising a concern does **not** need to investigate the matter themselves or prove that wrongdoing has occurred. They should raise the information or concerns they reasonably hold so that they can be appropriately considered.

Back on Track will not subject anyone to detrimental treatment because they have raised a genuine concern under this policy. Workers who make a qualifying protected disclosure also have statutory protection against detriment and, where applicable, dismissal.

4. What Can Be Raised Under This Policy?

Whistleblowing generally involves reporting wrongdoing that affects, or could affect, other people or the wider public interest rather than solely a personal employment concern.

Qualifying wrongdoing under whistleblowing legislation includes information reasonably believed to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence, including fraud or theft;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- danger to the health or safety of an individual;
- damage to the environment;
- sexual harassment; or
- deliberate concealment of information relating to any of the above.

Back on Track also encourages concerns to be raised about other serious matters, including:

- financial malpractice or significant financial mismanagement;
- serious safeguarding concerns;
- serious breaches of organisational policies or procedures;
- abuse of authority;
- serious unethical or improper conduct; or
- conduct that could cause significant harm to Back on Track, its members/service users or its reputation.

Not every concern raised under this wider organisational commitment will necessarily qualify as a protected disclosure under whistleblowing legislation.

5. Whistleblowing, Grievances and Safeguarding

Whistleblowing is different from a personal grievance.

Concerns relating solely to an individual's own employment circumstances will normally be dealt with under Back on Track's Grievance Procedure.

However, a matter affecting an individual personally may still constitute whistleblowing where they reasonably believe that raising it is also in the public interest.

Where a concern involves the immediate safety or welfare of a child or adult at risk, it should also be reported promptly in accordance with Back on Track's Safeguarding Policy and procedures. The fact that something is being dealt with as a safeguarding concern does not prevent it from also being considered under this policy.

6. Raising a Concern

We encourage concerns to be raised as early as possible.

In the first instance, concerns should normally be raised with a member of the Senior Leadership Team.

If the person does not feel able to raise the matter with that individual, believes they may be involved in the concern, or considers that the concern has not been appropriately addressed, they may raise it with:

Chief Executive: Dave Maguire (dave@backontrackmanchester.org.uk)

If the concern involves the Chief Executive, or the person does not feel able to raise it with them, it may be raised with:

Chair of Trustees: Gillian Drakeford

Contact details for the Chair of Trustees can be obtained from the Operations Manager.

Concerns may be raised verbally or in writing. It is helpful to provide as much relevant information as possible, including what happened, when it happened, who was involved and why there is a concern.

The person raising the concern is **not expected to investigate the matter themselves or obtain proof**.

7. Confidential and Anonymous Concerns

We encourage people to identify themselves when raising a concern wherever possible. This enables us to seek further information, provide support and keep the person informed.

Confidential reporting

A person may ask for their identity to be kept confidential.

Back on Track will respect this wherever reasonably possible and will only share information with those who need it to consider or investigate the concern.

There may, however, be circumstances where someone's identity needs to be disclosed, for example because of safeguarding requirements, a criminal investigation, regulatory requirements or another legal obligation. Where reasonably possible, this will be discussed with the person beforehand.

Anonymous reporting

Concerns may also be raised anonymously.

We would rather receive an anonymous report about serious wrongdoing than have the concern go unreported. However, anonymity may make investigation more difficult because we cannot seek clarification, obtain additional information or provide feedback to the person raising the concern.

8. How We Will Respond

Back on Track will take concerns seriously and respond appropriately according to their nature and seriousness.

Where possible, we will:

- acknowledge receipt of the concern promptly;
- identify an appropriate person to consider or investigate it;
- provide an indication of the process and likely timescale;
- maintain appropriate records;
- keep the person raising the concern informed, as far as reasonably possible; and
- take appropriate action where wrongdoing or areas for improvement are identified.

Some matters may be resolved through initial enquiries and explanation. Others may require a formal investigation or referral to an external authority.

A concern being mistaken or ultimately unsubstantiated does **not** mean that it was raised maliciously.

9. Investigation

The person receiving the concern will make an initial assessment and determine the appropriate way to proceed.

They may investigate the matter themselves or appoint another suitably independent person to do so.

Where appropriate, a meeting will be arranged with the person raising the concern to understand the issues. They may be accompanied by a trade union representative, workplace colleague or appropriate advocate who is not involved in the matter concerned.

Any investigation will be conducted fairly and proportionately and, as far as possible, by someone who is not implicated in the concern.

Other individuals may be interviewed and relevant documents or information reviewed.

On completion, a written report will normally be provided to the Chief Executive. Where the Chief Executive is involved in the concern or investigation, the report will be provided to the Chair of Trustees or another appropriate trustee.

10. Outcome and Feedback

The person raising the concern will, wherever reasonably possible, be told:

- whether the concern has been investigated;
- whether appropriate action has been or will be taken; and

- whether the matter has been referred elsewhere.

There may be limits on the information that can be shared because of confidentiality, data protection, safeguarding or employment law obligations.

For example, Back on Track may not be able to disclose details of disciplinary action taken against another individual.

Where disciplinary action is considered necessary, this will be dealt with under the appropriate organisational procedure and, wherever possible, by someone who has not previously been directly involved in investigating the matter.

11. If You Are Dissatisfied with the Response

If a person believes their concern has not been appropriately investigated or addressed, they may escalate it to the Chief Executive.

Where the Chief Executive is involved, or the concern has already been considered by them, it may be escalated to the Chair of Trustees.

The Chief Executive or Chair will arrange an appropriate review and determine whether any further investigation or action is required.

12. Protection From Detrimental Treatment

Back on Track will not tolerate victimisation, harassment, bullying or other detrimental treatment of anyone because they have raised a genuine concern under this policy or assisted with an investigation.

Anyone who believes they have experienced detrimental treatment because they raised a concern should report this promptly to the Chief Executive or Chair of Trustees.

A person will not be penalised simply because a concern raised genuinely and reasonably is subsequently found to be mistaken or unsubstantiated.

Deliberately providing information known to be false is different from raising a genuine concern which turns out to be incorrect. Deliberately false or malicious allegations may be dealt with under the appropriate organisational procedure.

13. External Disclosures

We encourage concerns to be raised internally where appropriate so that Back on Track has an opportunity to investigate and address them.

However, there may be circumstances where a worker considers it appropriate to raise a concern externally.

Depending on the nature of the concern, this could include a relevant regulator or other body legally designated to receive whistleblowing disclosures (known as a **prescribed person**).

For a charity, this may include the **Charity Commission for England and Wales** where the matter falls within its regulatory remit.

Other prescribed bodies may be appropriate depending on the nature of the concern.

Workers considering an external disclosure may wish to obtain independent advice before doing so, as different legal conditions can apply depending on who the disclosure is made to.

Disclosure to the media, social media or another wider external audience is subject to significantly more restrictive legal conditions, and independent advice should be sought before taking this step.

14. Serious Incident Reporting and External Authorities

Some concerns raised under this policy may also constitute a **serious incident** that should be reported to the Charity Commission.

Where appropriate, the Chief Executive and/or Chair of Trustees will consider whether a matter should be reported to the Charity Commission or another relevant regulator, statutory authority or the police.

Responsibility for ensuring that serious incidents are appropriately reported to the Charity Commission ultimately rests with Back on Track's trustees, although responsibility for making a report may be delegated.

Immediate action will be taken where necessary to safeguard individuals or prevent further harm, loss or damage.

15. Independent Advice

Anyone considering raising a whistleblowing concern can seek confidential and independent advice from **Protect**, the UK's whistleblowing charity.

Protect provides free and confidential advice about whistleblowing, legal protection and how concerns may be raised.

Protect Advice Line: 0800 055 7214

Website: www.protect-advice.org.uk

Advice may also be available from ACAS, a trade union, Citizens Advice or an independent legal adviser.

16. Monitoring and Review

Back on Track will maintain appropriate confidential records of whistleblowing concerns and their outcomes.

The Board of Trustees will receive appropriate oversight information about whistleblowing concerns while protecting confidentiality and personal information.

This policy will be reviewed periodically and sooner where there are significant changes to legislation, regulatory guidance or organisational practice.