



BBC Protected Disclosure Policy – ‘Whistle Blowing’

Introduction

The BBC is a public service broadcasting organisation with a world-wide reputation for independence and integrity. The BBC is firmly committed to maintaining the highest standards of ethics, honesty, openness and accountability, and recognises that all of its employees have an important role to play in achieving this goal.

All of us, at one time or another, may have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about breaches of the law, serious misconduct by another person, health and safety, financial malpractice or other malpractice or wrongdoing impacting on others, it can be difficult to know what to do. The aim of this policy is to encourage anyone, whether internal or external to the BBC, to report any suspected wrongdoing and to provide guidance as to how to raise any such concerns.

How the BBC - Protected Disclosure Policy can help you

If you have any genuine concerns about malpractice at work, which you believe are in the public interest to disclose, the Protected Disclosure Policy enables you to raise it in an appropriate and effective way. It is a confidential mechanism for you to raise any concerns you might have about malpractice at work. The policy is designed to protect you, if you are raising a genuine concern, from detriment and unfair dismissal in compliance with the *Public Interest Disclosure Act 1998* (commonly known as the ‘Whistle blowing Act’).

However, it should **not** be seen as a channel to raise matters in relation to your own personal circumstances or terms and conditions of employment. In those cases you should refer to the *BBC Grievance Policy* or the *BBC Bullying and Harassment Policy*.

Concerns regarding potential breaches of BBC Editorial Policy may be referred to David Jordan, Director of Editorial Policy and Standards.

Who can use the Protected Disclosure Policy?

The BBC encourages an open culture with all employees and everyone with whom it comes into contact. The policy outlined in this document provides guidelines to all BBC employees globally and also to individuals who work within the BBC. This includes casual, temporary agency staff, freelancers, trainees, home workers and contractors, who feel they need to raise certain issues relating to the BBC in confidence.

What is Whistle Blowing?

The Public Interest Disclosure Act 1998 came into effect on 1 July 1999. This Act sets out a framework to promote the responsible and protected disclosure of concerns on the following matters:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with legal obligations to which they are subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;

- that the health and safety of an individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;

that information tending to show any matter falling within the matters above has been, is being or is likely to be concealed.

If you have a genuine concern relating to any of the above, which you reasonably believe is in the public interest to disclose, you should report it under this policy.

As set out above this policy is not a substitute for the BBC Grievance Policy or BBC Bullying and Harassment Policy. This policy is also not a substitute for the role of the recognised trade unions¹. You may feel that there are circumstances where you wish to seek the support of a trade union if you are pursuing a concern.

Anyone who abuses the procedure under this policy, for example by maliciously raising a concern they know to be untrue, will be subject to disciplinary action

The BBC's assurance to you:

Your protection

The Director General and the Senior Leadership team are committed to the principles of the Whistle Blowing Policy. You can be assured that your position will not be at risk if you raise a genuine concern.

The BBC does not, of course, extend this assurance to someone who acts improperly and raises a matter they know to be untrue.

Your confidence

The BBC will not tolerate any sort of victimisation of anyone raising a genuine concern and anyone responsible for doing so will be subject to disciplinary action.

You may decide that you want to raise your concern in confidence. You can do so by asking for your identity to be protected, therefore it will not be disclosed without your consent. If a situation arises where it is not possible to deal with your concern without revealing your identity, for instance because your evidence is needed in court, you will be involved in a discussion to decide the best way to proceed.

Although you can raise a concern anonymously, including your contact details may make it possible to carry out a more in-depth investigation of the concerns you are raising.

How to raise your concern

Step 1: Internal Line Management

If you have a concern about malpractice, hopefully you will feel able to raise it first with your line manager, more senior manager or HR Business Partner. This may be done orally or in writing - if you are raising a concern via writing please provide details of how you can be contacted.

¹ The BBC's recognised trade unions are BECTU - Broadcasting Entertainment Cinematograph and Theatre Union; NUJ - National Union of Journalists; Unite - Amicus Section. The BBC also recognises for specific categories MU - Musicians' Union; EQUITY - The Actors' Trade Union

At this point please try to state clearly the detail of what you are concerned about. This is also your opportunity to outline how you would like your concern to be investigated, as well as if you have a direct or personal interest in the matter.

Step 2: Alternative Internal Contacts

If you feel unable to raise your concern with someone in your immediate line management, for whatever reason, you can contact in confidence either one of the following senior BBC staff, who act in an independent capacity to provide an impartial, open and fair response in dealing with such disclosures. The Director of Safety, Security & Resilience is the guardian of this policy.

Simon Marr
Director Safety, Security & Resilience
Level 9 BBC Birmingham
The Mailbox, 102-107 Wharfside Street
Birmingham B1 1RF
Mobile: +44 (0) 791267 1122
Email: simon.marr@bbc.co.uk

Balram Veliath
Director Quality, Risk & Assurance
NBH 04 A
Portland Place,
London W1A 1AA
Mobile: +44 (0) 7768 066924
E-mail: balram.veliath@bbc.co.uk

Alternatively, if you believe that either a member of the BBC Executive Committee, or Executive Team, is involved in the matter that you wish to report, you may prefer to raise it with the BBC's Senior Independent Director at:

BBC-Non-Executive@expolink.co.uk

As this is an externally hosted e-mail address, please clearly note that your concern relates to the BBC

If you want to raise the matter in confidence, practical measures will be put in place to protect your identity. You will be contacted in confidence and your identity will not be disclosed without your consent, unless it is required by law.

Step 3: External Contacts

The aim of this policy is to provide an internal mechanism for reporting and investigating any alleged wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. However, if the nature of your concern means that you cannot raise it with any of the recommended contacts, or if the internal channels listed in 'Step 1' and 'Step 2' have been followed and you still have concerns, please contact the following external organisation(s):

Expolink

Telephone (UK): 0800 374199

View the [international Expolink contact numbers](#)

Expolink operates an anonymous, free to call and confidential service. It is a completely independent organisation with impartial staff trained to handle calls

relating to malpractice. You can phone in total confidence knowing that your call will not be traced or recorded.

All information, with the exception of your name if you so wish, will be passed by Expolink to the BBC's Director Safety, Security & Resilience and Director Quality, Risk & Assurance.

To submit a web based report via Expolink, click on the following link:

<http://www.expolink.co.uk/whistleblowing/for-employees/>

Note: When creating your report, the company code on top of the actual report page should be entitled '**BBC**'.

Public Concern at Work

If you are unsure about whether or not to follow the BBC Whistle Blowing Policy, or you want further independent advice, you can contact *Public Concern at Work*. This is a charity, completely independent of the BBC, which specialises in providing free and confidential legal advice on how to raise a concern about serious malpractice at work. *Public Concern at Work* will also help to advise you on whether the situation you are concerned about can be reported to an additional outside body, such as the Police.

Telephone: +44 (0)20 7404 6609

Fax: +44 (0)20 7404 6576

Email: whistle@pcaw.org.uk

How the BBC will handle your concern

Once you have reported your concern, the BBC will assess what action should be taken. If your concern can be better dealt with under other BBC policies (e.g. Grievance, Harassment Policies) you will be given support and advice on what to do next.

If your concern can be handled under the Whistle Blowing Policy the BBC will then initiate an enquiry over your reported concern. It is at this point the BBC will:

- Tell you who is handling the matter and how you can contact him or her;
- Say whether further assistance may be requested;
- Provide an estimation of how long the investigation will take; and
- Advise on what to do if the person raising the issue suffers from immediate or subsequent detrimental action.

While the purpose of this policy is to enable the BBC to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. Please note however, that we may not be able to tell you specific details of the investigation or the precise action that is being taken to resolve the concern under circumstances, where it could infringe a duty of confidentiality owed by us to someone else. You should treat any information you are given about the investigation as confidential.

Investigation Timeframes

The timeframes for investigating concerns raised under this policy are likely to vary depending on the nature and complexity of the case. However the BBC undertakes to operate within the following guidelines:

- To acknowledge the receipt of a concern raised under this policy within five working days;
- To prioritise and progress the investigation appropriately;
- To ensure that the person raising the concern is provided with regular updates (at least monthly) dependent on the length of the investigation

What to do if you are unhappy with how your concern has been handled

Whilst the BBC cannot guarantee that it will respond to all matters in the way that you might wish, the matter will be handled fairly and properly. If you are unhappy with the BBC's response, remember you can go to the other levels and bodies detailed in this policy. By following the steps in this policy, you will help us to achieve this.

For further information on the BBC Whistle Blowing Policy, please contact:

Simon Marr - Director Safety, Security & Resilience