

BBC WHISTLEBLOWING POLICY

Issued 1st July 2022

Introduction

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

Any of us, at one time or another, may have concerns about what is happening at work. When the concern is about serious misconduct such as breaches of the law, serious editorial malpractice, acts of abuse or exploitation, bribery and corruption, health and safety, financial malpractice or other conduct impacting negatively on others, it can be difficult to know what to do.

The BBC promotes an open culture, and this policy aims to encourage anyone with honestly-held concerns to report them. Usually such concerns can be resolved informally, or formally through the normal management chain or other routes such as the BBC's Grievance Policy or its Anti-Bullying and Harassment Policy.

You are encouraged to follow one of these routes wherever possible, but if you are not comfortable doing so, or if a concern raised another way remains unresolved, this policy provides a range of alternative ways to report the issue. Whichever of those ways you use to raise your concern, the BBC is committed to applying the assurances detailed in this policy.

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1 How the Whistleblowing Policy can help you

If you have an honestly-held concern that something is going wrong at the BBC, the Whistleblowing Policy is a confidential mechanism for you to raise your concern in an appropriate, safe and effective way. If you raise such a concern using the mechanisms in this Policy, you can be assured that the BBC will take steps to ensure that you do not suffer unfair treatment or victimisation in your work for or with the BBC.

Please note that concerns about your own personal circumstances or your terms and conditions of employment should normally be raised under our Grievance Policy or Anti-Bullying and Harassment Policy. You may seek the support of a trade union if you are pursuing such a concern.

2 What is whistleblowing?

“Whistleblowing” under this Policy means the disclosure by an individual of information which they believe shows malpractice. This would include misconduct such as criminal offences, other breaches of the law, and serious editorial malpractice or other breaches of professional standards, but could also cover other concerns that things are going seriously wrong at the BBC. This may include disclosures of information about any of the following:

- Matters that present a risk of serious harm, financial loss or legal liability on the part of the BBC, or may otherwise bring the BBC into serious disrepute;
- Malpractice in the affairs of the BBC, including for example, misuse of power and corruption (e.g. nepotism, abuse of an undeclared conflict of interest), and bribery
- Serious editorial malpractice (above and beyond normal editorial disagreements) or other acts or omissions amounting to serious professional malpractice
- Safeguarding concerns about a child or young person (i.e. a person aged under 18) or a vulnerable adult
- Actual or potential criminal offences
- Failure to comply with any legal obligation
- Risks to the health and safety of any individual

- Actual or potential environmental damage
- Information tending to show a cover-up of any of the above.

Individuals are expected to use the Policy responsibly and must not abuse these procedures, e.g. by reporting information that they know or believe to be untrue. This does not apply to reports made in honest error (i.e. where an honestly-held concern of malpractice is ultimately determined to be unfounded).

The BBC will do all it properly can to protect your identity but you should be aware that absolute confidentiality cannot always be guaranteed and on occasion the BBC may be legally required to disclose someone's identity (e.g. to the proper authorities or in court proceedings).¹ Where possible the BBC will give you prior notice of such disclosure.

You may choose to raise your concern anonymously. While every effort will be made to robustly review and investigate all reports, those received from anonymous sources may in practice be more difficult to follow up. People who opt to report anonymously and provide no contact details are strongly encouraged to include as much information as possible when making a report to enable the BBC to make an effective response to their concerns.

3 Whistleblowing in an editorial context

The Whistleblowing Policy extends to serious editorial malpractice. The BBC defines this as conduct involving a serious breach of the BBC Editorial Guidelines that takes place in an editorial context and:

- Has a serious impact on others such as audiences, contributors (or potential contributors) or other BBC staff, and/ or
- Poses a serious risk to the BBC's reputation for independence and editorial integrity, and/ or
- Departs from the BBC's commitment to maintaining the highest standards of ethics, honesty, openness and accountability.

Examples include, but are not limited to:

- Knowingly reporting false or manifestly inaccurate information to intentionally mislead an audience, or misrepresent the facts
- Making an editorial decision knowing that it breaches the Editorial Guidelines

¹ Subject, where relevant, to due consideration of human rights principles.

- Failure or refusal to safeguard the dignity and/or physical or emotional welfare of children or young people (i.e. anyone aged under 18) or a vulnerable adult.

The Policy does not, however, apply to all editorial matters and does not, for example, cover:

- Differences of opinion over editorial matters
- Challenges to legitimate editorial decision-making
- The interpretation and application of the BBC Editorial Guidelines

Other avenues exist for raising this kind of issue, such as through the normal management chain.

4 Who can use the Policy?

The BBC encourages an open culture, so the Policy is for anyone working for or with the BBC, and anyone who formerly worked for or with the BBC, who feels they need to raise concerns in confidence, including:

- BBC employees globally
- Casual staff
- Temporary agency staff
- Freelancers
- Trainees
- Home workers
- Contributors
- Suppliers and contractors and their staff.

5 When can I use the Whistleblowing Policy?

The aim of this Policy is to encourage anyone who has an honestly-held concern of malpractice to raise it, and to provide a range of ways to do so.

Concerns at work can normally be resolved informally, or formally through the normal management chain or other routes such as the BBC's Grievance Policy or its Anti-Bullying and Harassment Policy. You are encouraged to use one of these routes wherever possible, but if you are not comfortable doing so, or if a concern you have raised another way remains unresolved, alternatives are set out below. Whichever of these ways you use to raise your concern, the BBC is committed to applying the assurances detailed in this policy.

6 The BBC's assurances to you

(i) The BBC's commitment

The Director General and the Senior Leadership team are committed to the principles of this Policy. You can be assured that the BBC will take steps to ensure that you will not suffer unfair treatment or victimisation in your work at or with the BBC if you raise an honestly-held concern in accordance with this policy.

To this end, the BBC commits to take:

- Practical measures to protect the identity of the whistleblower e.g. not to disclose their identity without consent unless legally required to, and to prohibit attempts to identify them
- Appropriate action to protect the integrity of the Policy and its application: see *Zero tolerance* below.

(ii) Zero tolerance

The BBC will not tolerate the victimisation of anyone raising an honestly-held concern, or any other attempt to interfere with a whistleblowing process, such as:

- Attempting to identify the whistleblower and/ or make their identity known within or outside the BBC against their wishes
- Directly or indirectly threatening, intimidating or pressuring the whistleblower or any witness concerned in the investigation, or those involved in the management and conduct of an investigation
- Attempting in any way to convince or coerce any individual to change their statement, or any other interference in an investigation process.

(iii) Examples of victimisation

Victimisation includes:

- Denial of training or career development opportunities
- Bullying and harassment
- Withholding a reference
- Unfair dismissal
- Unwarranted failure to renew, or early termination of, a temporary employment contract
- Commercial action such as terminating contracts or refusing to trade with a business.

This assurance also extends to prohibit the victimisation of anyone who may be thought, mistakenly, to be a whistleblower.

(iv) Duty of care to all

The BBC recognises it has a duty of care to all parties involved in a whistleblowing-led investigation. This includes not only whistleblowers but also witnesses and anyone who may be the subject of an allegation. The investigative approach, including its timing, must be flexible so it can be conducted in the way that best preserves evidential opportunities and minimises the risk of actions to undermine the integrity of the process.²

Where an investigation is instigated, anyone who is the subject of an allegation will be contacted by the assigned investigator at an appropriate stage in the process. The information disclosed to them may need to be limited so as not to reveal the identity of a whistleblower.

In most cases, an accused person will be invited to attend a fact-finding meeting only after an investigator has been able to establish sufficient evidence to inform an effective line of questioning. Generally, this would likely be toward the end of the investigation process.

Whilst all efforts are made to minimise the impact of an investigation, the BBC recognises that those who are involved in, affected by, or subjects of an investigation will likely find the process highly stressful. Staff may, at any stage, seek guidance from HR/Support at Work as to the welfare support available to them.³

7 How to raise your concern

(i) Route 1: Internal Line Management

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

Additionally, if your concern arises in an editorial context, you may also raise your concern with a senior editorial figure who is not your line manager⁴.

² For further details of the BBC's internal investigation process can be found in the Corporate Investigations Policy at <https://staff.bbc.com/gateway/policy/corporate-investigations-policy/>

³ <https://staff.bbc.com/gateway/wellbeing/eap/>

⁴ <https://staff.bbc.com/gateway/editorial/senior-editorial-figures>

Managers who receive a report of malpractice – in line with the examples/definitions in this policy – should immediately contact the Corporate Investigations Team or Whistleblowing Manager.

(ii) *Route 2: Other Internal Contacts (Whistleblowing)*

If you feel unable to raise your concern with someone in your immediate line of management, for whatever reason, there are three other ways to raise your concern in confidence through the BBC's internal Whistleblowing reporting routes, below. Practical measures will be put in place to protect your identity.

1. You can contact:

Balram Veliath
Director: Quality, Risk and Assurance
NBC 6C
Portland Place
London W1A 1AA
Email: Balram.Veliath@bbc.co.uk
External: 07393 757967

2. You can contact **NAVEX Global**

NAVEX Global 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 Navex Global to BBC Investigations and Head of SSR.

*Telephone – from the UK: **0800 890 011** and at the prompt dial: **833 573 1750***

Telephone – from outside the UK: To obtain a local telephone number through which you can contact Navex, visit

<https://secure.ethicspoint.eu/domain/media/enuk/gui/106947/phone.html> and select the country you are calling from in the drop down menu

To submit a web-based report via Navex Global click on the following link:

<https://secure.ethicspoint.eu/domain/media/enuk/gui/106947/index.html>

3. You can contact the Senior Independent Director on the BBC Board, who is one of the non-executive directors on the BBC Board. Because of their independence from

BBC management, non-executive directors have a responsibility to help ensure that the BBC maintains the highest standards of corporate governance. You can contact the Senior Independent Director in the first instance, or if you have used other routes and remain concerned.

The Senior Independent Director is Sir Nicholas Serota. You can contact him at nick.serota01@bbc.co.uk.

There are no further internal routes to raise a concern. If you remain concerned, please refer to “External Contacts” below.

(iii) Route 3: External Contacts

If you are not comfortable raising your concern with any of the recommended internal contacts, or if those routes have been followed and you still have concerns, you may also consider seeking advice via the external organisations listed in the Annex.

(iv) What your report should contain

You should clearly explain the full details of the issue(s) you are concerned about. This is also your opportunity to outline how you would like your concern to be investigated, and to indicate whether you have a direct or personal interest in the matter. Please include as much information as possible,⁵ including:

1. Broad description of the issue and specific concerns of malpractice
2. Detailed information, where available:
 - (a) What happened?
 - (b) When did the incident(s) occur?
 - (c) Information about dates and times
3. Detailed description of what you know about the issue or incident(s) and how you came to know about it
4. Who is involved?
 - (a) Who is responsible?
 - (b) Was anyone else involved?
 - (c) Who is/are the potential victims or affected persons?
 - (d) Who else knows about the issue?
 - (e) Were there any witnesses?

⁵ You do not need to gather evidence before reporting, or carry out your own “investigation”.

5. Where did the incident(s) occur?
6. Any further relevant information?
7. Your preferred contact details
 - (a) How would you like to be contacted?
 - (b) Would you prefer contact via a BBC or personal email address or mobile phone number?
 - (c) Are there any times of day where you cannot receive calls?

8 How the BBC will handle your concern

Once you have reported your concern, the BBC will assess the information provided to determine what action should be taken:

- If your concern would be more appropriately managed via other BBC mechanisms (e.g. the Grievance Policy or the Anti-bullying and Harassment Policy) you will be given support and advice on what to do next
- In the case of whistleblowing in an editorial context, a panel including a senior independent editorial figure will conduct a triage process to ensure it is appropriate to deal with the report under this Policy
- In other cases, an initial assessment process will be led by the Corporate Investigations Team, with support – where necessary – from relevant stakeholders
- If your concern can be handled under this Policy the BBC will initiate an investigation. The BBC will:
 - Tell you who is handling the matter and how you can make contact
 - Say whether further assistance may be requested
 - Provide an estimation of how long the investigation will take
 - Advise on what to do if you or anyone else raising the issue suffers from immediate or subsequent detrimental action.

Throughout the process the BBC will give you as much feedback as we properly can. Please note however, that in some circumstances we may not be able to tell you specific details of the investigation or the precise action that is being taken, e.g. where it could infringe a duty of confidentiality or duty of care owed by us to someone else. You should treat any information you are given about the investigation as confidential.

9 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 two working days
- To prioritise and progress the investigation appropriately
- To ensure that the person raising the concern is provided with regular updates, including a three-weekly update following an internal case review
- To aim to conclude investigations, where practicable, within a twelve-week timeframe, including feedback to the whistleblower.

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

Whilst the BBC cannot guarantee that the outcome of the process will always be what you might wish, the matter will be handled fairly and properly.

If you are unhappy with the BBC's response, including the way your concern has been handled, you can appeal to the Senior Independent Director (Sir Nicholas Serota) by e-mailing him at nick.serota01@bbc.co.uk.

Annex

External bodies you may raise concerns with

All internal routes to raise a concern are listed in the Policy: see Routes 1 and 2 in Section 7, “How to raise your concern”. If you are not comfortable raising your concern internally, or if those routes have been followed and you still have concerns, you may also consider seeking advice from the following external organisations:

1. Bodies which the government recommends are formal bodies with which an employee may opt to raise a workplace concern are listed (categorised by concern type) here : prescribed people and bodies (which includes Ofcom as the prescribed body for broadcasting malpractice at <https://www.ofcom.org.uk/home>
2. The Advisory, Arbitration and Conciliation Service: ACAS
3. Protect
4. WhistleblowersUK
5. Citizens Advice Bureau