



Public Interest Disclosure (Whistleblowing) policy and procedure

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Review sequence: Senior Management Team > Audit Committee > General Management Committee

Review schedule: Triennially, unless earlier review required (last review 2025)

1. Purpose

- 1.1 The General Council of the Bar (GCB) represents almost 18,000 barristers across England and Wales. As such, we are committed to maintaining high standards of integrity, accountability, and transparency in all our work. We have adopted this policy and accompanying procedure to enable our staff, volunteer contributors and non-executive members to raise genuine concerns, in the public interest.
- 1.2 The policy statement aims to reassure potential whistleblowers that genuine, well-founded concerns can be raised without fear of reprisal, and the procedure provides guidance on how to make a disclosure.

2. Scope

- 2.1 This policy applies to all staff of the GCB. We will also consider disclosures from Bar Council and Committee members and contributors to whom this policy also applies insofar as practicable and appropriate.

3. Policy Statement

- 3.1 The General Council of the Bar (“we”) does not tolerate malpractice or unethical conduct. Malpractice or unethical conduct could include:
 - Fraud or irregularity in financial management;
 - Corruption or bribery;
 - Dishonesty;
 - Illegal activity or the failure to comply with legal obligations;
 - Behaviours which clearly contradict organisational values;
 - Miscarriages of justice, and
 - Creating or ignoring serious risks to the health and safety of staff or the public.
- 3.2 We provide a clear procedure for raising concerns, which is accessible to all. This procedure provides the opportunity for staff to raise concerns outside of the usual line management structure.

- 3.3 We will treat all genuine concerns raised in accordance with this policy and procedure seriously, sensitively and proportionately. Where applicable, we will carry out investigations to establish the facts of the matter, before taking appropriate action.
- 3.4 We will refer reports of illegal activity to the police or regulatory bodies as appropriate.
- 3.5 We will respect the confidentiality of any reporting party (“whistleblower”) who requests that their identity remain concealed. However, anonymous disclosures are not encouraged as they can hinder fair investigation of the issues at hand. If it is necessary for anyone involved in an investigation to know a whistleblower’s identity, we will discuss this with the whistleblower first. In certain circumstances, we may be required to disclose a whistleblower’s identity by law.
- 3.6 No member of the staff will be subjected to any detriment or disciplined for raising a genuine and legitimate concern, providing that they do so in the reasonable belief that it is in public interest to do so and following the whistleblowing procedure (even if a whistleblower’s concern proves to be mistaken). A whistleblower who raises concerns about their own wrongdoing through the procedure will not be immune from subsequent action, although we may take account of their support in raising the issue.
- 3.7 As we treat all disclosures seriously, we will not tolerate vexatious, malicious or deliberately false allegations. In these instances, we may invoke our disciplinary procedure.
- 3.8 We will consider whether a disclosure would ordinarily be protected within the meaning of relevant legislation (principally the Public Interest Disclosure Act 1998 and Employment Rights Act 1996 which defines qualifying and protected disclosures). However, even if a disclosure is not strictly within the legal definition, we may choose to follow this procedure if it is proportionate to do so.

4. Other reporting mechanisms

- 4.1 This policy is separate from the Bar Council’s adopted grievance policies. Employees should not use the whistleblowing procedure to raise grievances about their personal employment situation. This Whistleblowing policy and procedure enables members of staff to express a legitimate concern regarding *suspected malpractice or unethical conduct* within the Bar Council.
- 4.2 A distinct procedure also exists with respect to reporting *misconduct by Members of the Bar Council* (including elected Members).
- 4.3 As the approved regulator of the profession, the General Council of the Bar delegates the performance of its regulatory functions to the operationally independent Bar

Standards Board (BSB). The *BSB has adopted its own Whistleblowing Policy*, available internally [here](#). RPS and resources group staff that are concerned about **malpractice in the BSB** should report under the BSB's Whistleblowing policy.

5. Governance and assurance

- 5.1 This policy and procedure are reviewed periodically by our Senior Management Team, Joint Audit Committee and are adopted by our General Management Committee. The Senior Management Team, providing assurances to the Joint Audit Committee, will keep the efficacy of the policy and procedures under review.
- 5.2 The Head of Strategy, Planning and Governance will maintain a log of whistleblowing / public interest disclosures received.
- 5.3 A report on whistleblowing / public interest disclosures will be made available to the Joint Audit Committee for the purposes of assurance on a periodic basis. It is the responsibility of the Chief Executive to report any incident of proven malpractice to the Audit Committee and to the Bar Council.

6. Procedure

- 6.1 We encourage members of staff to discuss any concerns with their line manager in the first instance. Where this is not appropriate, any party wishing to make a disclosure should put their concern in writing, by e-mail marked confidential, to the Head of Strategy, Planning and Governance who will consider the disclosure in liaison with:
- The respective Director,
 - The Head of HR, or
 - The Chief Executive
- 6.2 Concerns should be reported as soon as possible after the event to which they refer.
- 6.3 Disclosure e-mails should make clear:
- Who is making the disclosure (including role and contact information);
 - The nature of the disclosure (what happened and when);
 - Who was involved (including who performed any malpractice and any witnesses);
 - When the event or conduct or malpractice took place (including if it remains ongoing);
 - Whether the whistleblower wishes to remain anonymous, and
 - Any other relevant details.
- 6.4 Whistleblowers are required to have reasonable grounds for believing that the relevant matter of concern has happened or is likely to happen. Therefore, the form

should explain in much detail as possible what has happened to cause concern, and where applicable provide supporting evidence.

- 6.5 Disclosures will be investigated appropriately, and corrective action will be taken: the process for investigation may differ depending on the nature and severity of the disclosure. In serious instances, we may need to contact the police or a regulatory body. Where malpractice or inappropriate conduct is clearly evidenced, the Chief Executive may determine that (further) investigation is not necessary to establish the facts of the matter.
- 6.6 On review of a whistleblowing disclosure, it may be more appropriate for us to deal with the issue under one of our other policies, such as *Dignity at Work*, *Bar Council Member Misconduct*, or *Committee Complaints*. We may need to invoke our *disciplinary procedure* if we consider that wrongdoing has occurred. We will inform the whistleblower if their concern is being considered as a complaint under a different procedure.
- 6.7 Where we need to investigate the matter further, the Chief Executive will appoint an *investigating officer* who will be a senior member of staff or barrister. In some circumstances, we may appoint an external investigator. The investigating officer should be independent of the matter under consideration and should not stand to benefit from any possible outcome. Failure to raise a conflict of interest in an investigation under the Whistleblowing procedure will be treated seriously. The investigating officer will determine the timeframes and process for the investigation, although we will aim to complete it as soon as possible.
- 6.8 The investigating officer will provide a report on findings to the Chief Executive and the Head of Strategy, Planning and Governance with any recommended actions to be taken.
- 6.9 A whistleblower who disagrees with the outcome of their disclosure or is not satisfied that their concern has been properly dealt with, should raise their concern in confidence with the Chair of the Joint Audit Committee, who will consider whether due process has been followed.
- 6.10 Concerns relating to malpractice by the Chair of the Bar should be addressed to the Chair of the Joint Audit Committee and the Head of Strategy, Planning and Governance.
- 6.11 Concerns about malpractice by the Chief Executive should be addressed to the Chair of the Bar and the Head of Strategy, Planning and Governance.

6.12 We understand that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes:

- That exceptionally serious circumstances justify it;
- That the Bar Council would conceal or destroy the relevant evidence, or
- Where they believe they would be victimised by the Bar Council.

The UK's leading charity for advice and guidance on Whistleblowing is *Protect*:
<https://protect-advice.org.uk>

7. Contacts

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