



## WHISTLE-BLOWERS POLICY

### 1 The policy

1.1 This policy applies to all volunteers and individuals at all levels of the organisation including senior managers, officers, directors, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual, agency staff and volunteers. The aim of the policy is to provide a procedure under which individuals who have reasonable grounds to believe that an incident of work place malpractice or mismanagement has occurred, is occurring or is likely to occur within the Fund, are able to raise their concerns.

1.2 The Fund is committed to ensure that any incident of work place fraud or mismanagement is prevented wherever possible, and immediately dealt with, should they arise. Employees and volunteers are often the first to realise that something is wrong but they may feel that they cannot express their concerns because to do so would be disloyal or could result in them being subjected to harassment or victimisation.

1.3 The Fund encourages employees and volunteers to raise their concerns about any incidents of malpractice at the earliest possible stage. This policy sets out the correct procedure for raising such concerns.

1.4 Provided employees and volunteers follow the steps set out in this policy, they will be able to raise genuine concerns about malpractice without fear of harassment or victimisation by the Fund. Any abuse of this policy will result in disciplinary action, including dismissal.

### 2 Definition of malpractice

2.1 For the purposes of this policy, the Fund considers the following matters to constitute malpractice:

- 2.1.1 commission of a criminal offence;
- 2.1.2 failure to comply with a legal or professional obligation or regulatory requirement;
- 2.1.3 occurrence of a miscarriage of justice;
- 2.1.4 endangerment of the health and safety of any individual;
- 2.1.5 damage to the environment;
- 2.1.6 bribery or other breach of our anti-corruption and bribery policy;
- 2.1.7 the unauthorised use of public and charitable funds (e.g. expenditure for improper purpose)s;
- 2.1.8 failure to safeguard personal or sensitive information or the subsequent misuse of such information;
- 2.1.9 other unethical conduct.

2.2 the deliberate concealment of any information indicating any of the matters set out above.

### 3 When to use this policy

There is a difference between whistle-blowing and raising a grievance:

- Whistle-blowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally; but

- a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

## **4 Procedure**

4.1 The Fund's primary aim is to prevent malpractice from occurring in the first place. If it happens, it is our objective to prevent it recurring. If appropriate, every effort will be made to resolve the situation on an informal basis in the first instance. If this is not possible, the Fund will take formal action to investigate and take whatever steps are necessary

### **4.2 The First Step**

If you have a concern about work place malpractice, you should initially discuss it with your line manager or Fund ambassador, who will usually be in the best position to help. He or she will attempt to resolve the matter as promptly as is reasonably practicable.

There may be circumstances where you feel unable to approach this individual and in these circumstances you should raise the concern directly with the COO, CEO or a Trustee where the COO/CEO is your line manager.

### **4.3 Further Steps**

If you are dissatisfied with the action taken in respect of your concerns, you should raise your concerns in writing with a Trustee who will either deal with the matter or designate an appropriate management representative, as appropriate.

You should be aware that your concerns will, as far as possible, be dealt with in confidence. There may be circumstances, however, where it will not be practicable for the Fund to pursue a complaint or to deal with an alleged wrong doer without the identity of the complainant becoming known.

The person responsible for hearing your concerns will normally arrange a meeting with you. You may be required to set out your concerns in writing in advance of the meeting. Your concerns will then be discussed in full at the meeting and the person hearing the complaint will decide if any further action needs to be taken and, if so, what the appropriate action will be. This may include requiring you to attend a further meeting or asking you to provide any further evidence which is considered necessary. The purpose of this process will be to obtain the nature of your concerns and the detailed basis of them, as well as considering the nature and scope of evidence that you are aware of. You will normally be told what action the Fund has decided to take and you must treat any such information with the strictest confidence.

## **5 Further action**

5.1 If the concern raised is found to be valid then the Fund may decide that one or more of the following steps (which is a non-exhaustive list) is appropriate:

5.1.1 referral of the matter to the Fund's Board of Trustees with a view to an internal investigation being carried out;

5.1.2 referral of the matter to the appropriate external regulatory body for further investigation;

5.1.3 referral of the matter to the police;

5.1.4 referral of you to the grievance procedure.

As stated above, you will normally be informed of any decision taken and you are required to keep this decision strictly confidential.

## **6 EXTERNAL DISCLOSURE**

6.1 If, after having followed the steps set out above, you remain genuinely and reasonably dissatisfied with the outcome, you may raise your concern, on a confidential basis, with the Fund's regulatory authority. You **must** inform the CEO or COO at least seven (7) days before taking such action.

## **7 PROTECTION FROM VICTIMISATION**

7.1 Provided you raise any concerns in good faith and not out of malice or with a view to personal gain on your part and you have reasonable grounds for believing your concerns to be true and you have complied in full with the spirit of the policy and procedural steps set out above, the following will apply:

7.1.1 so far as possible your identity will not be disclosed at any time by the Fund unless necessary for the purposes of its investigations or to comply with a legal obligation;

7.1.2 you will not be subjected to any harassment, victimisation or disciplinary action by the Fund as a result of raising the concern;

7.1.3 so far as possible any supporting evidence relating to your concerns will be kept secure at all times.

7.2 Staff must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

## **8 DISCLOSURES OUTSIDE THIS POLICY**

8.1 If at any time it is discovered that you have raised a concern maliciously, vexatiously, in bad faith or with a view to personal gain or that you have failed to follow the Fund's policy for disclosure, set out above, you will lose the protection provided to you under this policy. In addition, you may be subject to the Fund's disciplinary procedure, including dismissal.