

# The Elizabeth Foundation Whistle Blowing Policy

## 1 Introduction



The Public Interest Disclosures Act (1998), which came into force on 2<sup>nd</sup> July 1999, aims to protect workers from victimisation and dismissal where they raise genuine concerns about a range of misconduct and malpractice. The Act directs workers towards raising matters internally first and this policy provides a mechanism for employees to do so.

The Elizabeth Foundation (TEF) expects the highest standards of conduct from its Trustees, employees and volunteers and will treat seriously any concern that individuals may have about illegal or improper conduct.

Raising concerns (Whistle Blowing) helps us to ensure that concerns about wrongdoing or malpractice are dealt with effectively and in a timely manner.

## 2 Aim




The aim of this policy is to provide a clear and transparent way for staff and volunteers (including Trustees) to raise genuine concerns of:

-  Any reasonable suspicion of illegal or improper conduct or malpractice which have taken place or;
-  Which are likely to take place in the future within the charity that are in the public interest.

## 3 Initial Guidance

Employees and volunteers will be expected, through agreed procedures (this policy), and without fear of recrimination, to bring to the attention of a member of the Senior Management Team any serious impropriety or breach of procedure.

The senior management team comprises:

-  Miss Julie Hughes, Chief Executive Officer (CEO)
-  Miss Karen Vaughan BEM, Deputy CEO
-  Mr John Atherton, Finance Director

Trustees will be expected to bring any such concerns to the attention of the CEO or the Chair of Trustees Mr Tom Holloway.

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The procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his or her own situation.

Employees, volunteers and trustees must act in good faith and must have reasonable grounds for believing the information to be accurate. No one who uses this procedure in good faith will be penalised for doing so. TEF will not tolerate harassment or victimisation or any one raising concerns.

## 3.1 Potential Whistle Blowing Activities

Activities that may be classed as being whistle blowing activities are detailed here.



These include:

-  A criminal offence
-  A miscarriage of justice
-  The breach of a legal obligation, fraud or corruption
-  Concerns about a colleague's professional capability
-  A danger to the health and safety of any individual including, but not limited to, the physical, emotional or sexual abuse of employees or children
-  Showing undue favour to an employee or trainee
-  Damage to the environment
-  Unauthorised use of TEF facilities, services, funding, assets or goods
-  Deliberate attempt to conceal any of the above

## 3.2 Whistle Blowing Procedure - General

It is not necessary for whistle-blowers to show that a relevant act has taken place, just that they reasonably believe one has taken place or is about to take place.

In the first instance:

-  You should inform the appropriate Senior Manager of your concerns
-  Where the issue concerns a member of the Senior Management team, you should bring the concern to the attention of Julie Hughes, CEO

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Contact details, Email: [Julie.Hughes@elizabeth-foundation.org](mailto:Julie.Hughes@elizabeth-foundation.org)

- ♥ After making a report, you believe a senior manager has failed to take appropriate action, you should bring the concern to the attention of Julie Hughes, CEO

Contact details, Email: [Julie.Hughes@elizabeth-foundation.org](mailto:Julie.Hughes@elizabeth-foundation.org)

If your concern directly relates to the CEO or you feel the CEO has not taken appropriate action, you can contact the Chair of the Trustees, Mr Tom Holloway.

- ♥ If the matter relates to a member of the Board of Trustees, or you consider the Chair of Trustees has not taken appropriate action, you can:
  - Contact the charity, Public Concern at Work, which provides free confidential advice to employees and volunteers who have concerns about wrongdoing in the workplace

Contact details, Telephone: 020 7404 6609

- ♥ Report serious concerns to the Charity Commission

Contact details, Email: [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk)

## 3.3 Whistle Blowing Procedure – for all staff and trustees

If someone tells you they are concerned about the actions of another staff member or volunteer, you should:

- ♥ Arrange to meet him or her as soon as possible
- ♥ If you are not a member of the Senior Management team or the Chair of Trustees
  - You should establish why he or she has chosen to discuss the concern with you
  - You should not refuse to hear what the person has to say and you should approach the situation sensitively, recognising the discomfort that the person may feel
- ♥ If the person reporting the concern wants his or her identity to be kept confidential, you should

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- Explain that this will be done if possible
- It may not be achievable and that you are required to escalate the concern to ensure that procedures are correctly followed out

- ♥ Make notes of your discussions with the individual
- ♥ Check the accuracy of your notes with him or her before escalating to a member of the Senior Management team, CEO or Chair of Trustees

## 3.4 Senior Management or Chair of Trustees - Actions

Once the nature of the concern has been established, it may be of a relatively minor nature and it may be decided to resolve it informally.

If the concern appears more serious, consideration must be first taken as to whether any immediate action is needed to protect children or a vulnerable adult.

If so, you should check the Safeguarding Policy to consider what action to take.

If you consider there is a need to involve the police and/or other statutory services, you should always discuss this with the CEO, or if the concern is about the CEO, the Chair of Trustees first.

### What to do if a whistle-blower approaches you with concerns over malpractice.

- Treat their concerns seriously.
- Assure the whistle-blower that they will be protected from reprisals or victimisation in coming forward with their concerns and that you will do everything you can to respect their confidentiality (if this is requested).
- Arrange a mutually convenient date and time, at the earliest opportunity, for the whistle-blower to discuss their concerns with you.
- Give the whistle-blower the opportunity of being accompanied by a work colleague or Trade Union Representative.

### How to manage the meeting

- Ask the whistle-blower to explain in their own words the concerns that they have.
- Ask them for the history of their concerns giving, in chronological order, details of any acts (or omissions) and the names of employees involved.

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- Identify if there is any evidence (documentary or otherwise), available to support the whistle-blower's concerns or allegations.
- Ask any further questions which appear to be necessary in order to clarify anything the whistle-blower has raised.
- If the whistle-blower's concerns relate to their own employment and it is not appropriate for them to be dealt with under this policy, refer them to the relevant procedure (for example, the Grievance Procedure).
- Ask the whistle-blower if they will be willing to provide a written statement supporting their comments. If so, make a full note of the whistle-blower's comments and get them to sign and date this. Give the whistle-blower a copy.
- If the whistle-blower is not willing to provide a statement supporting their comments make sure you keep a note of what the whistle-blower says.
- Tell the whistle-blower that you will consider what they have said and will let them know within ten working days how it is proposed to deal with their allegations.

## After the meeting

- Consider what the whistle-blower has told you and decide whether their concerns are genuine and merit further investigation.
- If not, advise the whistle-blower accordingly. Tell them that they may pass their concerns to a more senior manager or the Chair of Trustees if they are not satisfied with your response.
- If you believe further investigation is needed, decide whether you are able to do this yourself. This will depend upon the seriousness and scope of the concerns raised by the whistle-blower. If you need advice, speak to the CEO or the Chair of Trustees.
- If you are able to carry out the investigation, do so. Bear in mind that you may need to consider suspending an employee if the investigation relates to their conduct. Any suspension or subsequent implementation of disciplinary proceedings will need to follow the laid down procedure.

## 3.5 Conducting an Investigation

Any investigation will need to be conducted under strict confidentiality. In certain cases, however, suspension from work may need to be considered.

The designated manager will inform the whistle-blower of the outcome of any investigation or, if no investigation is deemed necessary, the reason for this. Normally, this feedback will be given within 20 working days of the original allegation.

If, as a result of an investigation, there is a case to be answered by any individual, this will be dealt with under the Disciplinary Procedures.

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Where there is no case to answer, but the whistle-blower has a genuine concern and was not acting maliciously, no action will be taken against the whistle-blower and TEF will ensure the whistle-blower suffers no reprisals.

Only where false allegations are made maliciously will it be considered appropriate to act against the whistle-blower under the disciplinary procedure.

## 3.6 Action - Post Investigation

If the concern is upheld and the person at the centre of it is found to have been culpable or remiss in some way, the report's recommendations should be carried out using a clear plan of action.

The plan may include the use of disciplinary action, training, coaching, counselling, the implementation of new policies or procedures for the whole workforce, or a referral to the Independent Safeguarding Authority.

The CEO will ensure that the Board of Trustees is informed of the outcome of all investigations not conducted by the Chair of Trustees.

If the concern is unfounded and the person who raised it is found, through the process of investigation, to have acted maliciously or out of a desire for personal gain, it may be appropriate to consider disciplinary action against him or her.

If an employee who has raised an issue is not satisfied with the outcome of an investigation, TEF recognises their right to make disclosures to prescribed persons (such as the Health and Safety Executive, Inland Revenue etc.), where justified, under the Public Interest Disclosures Act (1998).

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## 3.7 Additional Support

Further information on whistle blowing can be found on

<https://www.gov.uk/whistleblowing>

Trustees can also find additional information about their duties and legal

requirements at <https://www.gov.uk/government/publications/charity-trustee-welcome-pack>

AUTHOR	Julie Hughes
ROLE	Chief Executive Officer
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