

WHISTLEBLOWING POLICY

At Swindon City of Sanctuary (SCoS), we believe that it is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been, or is likely to be committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

It is not necessary to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. Staff have no responsibility for investigating the matter - it is the charity's responsibility to ensure that an investigation takes place.

If someone working for or connected with SCoS makes a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. We absolutely encourage our staff to raise their concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be

watchful for illegal or unethical conduct and report anything of that nature of which they become aware.

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, no member of staff should agree to remain silent. If any member of staff finds themselves being pressured to remain silent, they should report the matter to the Chair of the Board of Trustees.

Procedure

Stage 1: In the first instance, any concerns should be raised with the People and Policy Committee (PPC) of the board of trustees, who will arrange an investigation of the matter. The investigation may involve the disclosing member of staff and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The PPC will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. The Chair will also invoke any disciplinary action required, either via the Executive Officer if appropriate, or directly. On conclusion of any investigation, the disclosing member of staff will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2: If on conclusion of the previous stage, a member of staff reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office

- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

A full list can be found in The Public Interest Disclosure (Prescribed Persons) Order 2014:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Please note that this procedure relates only to disclosures about matters other than a breach of a member of staff's own contract of employment, which should be raised via the Grievance Procedure.

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with our data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.