



Whistleblowing Policy

Adopted: 21 May 2020
(To be reviewed every 3 years)

Revision	Date	Description of Issue
Rev 1	10 Sept 2020	Minor amendments approved at Board meeting 10/09/20
Rev 2	26 Nov 2020	Minor amendments approved at Board meeting 26/11/20
Rev 3	7 Dec 2020	Minor amendments following meeting with Mannion Daniels 27/11/20

Policy

It is important that any fraud, misconduct or wrongdoing by staff, volunteers and trustees or others working on behalf of CED is reported and properly dealt with. CED therefore requires 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/volunteer 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
- A safeguarding issue
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation
- Concealment of any of the above

Members of the public may also raise legitimate concerns about specified matters in the public interest. It is not necessary for anyone raising a concern to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. They have no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place.

Anyone raising a concern is encouraged to do so under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Anyone working on behalf of CED 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 staff, volunteer, trustee or other person working on behalf of CED will be victimised for raising a matter under this procedure. This means that the continued employment or membership and opportunity to volunteer will not be prejudiced because they have raised a legitimate concern.
- CED will take appropriate action to safeguard whistleblowers who raise a genuine concern from recrimination by those implicated in any disclosure.
- All concerns will be treated in confidence and every effort will be made not to reveal the whistleblower's identity if they so wish.
- 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, CED's 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, you should not agree to remain silent. You should report the matter to the chair of the board of directors.
- This, and all other relevant policies must be shared with all partner organisations before commencement of any project.

Procedure

Stage 1

In the first instance, any concerns should be raised with the Chair of Directors, Jonathan Appleby, at chair@ced.org.uk who will arrange an investigation of the matter. Those raising a concern may be required to give a written statement. Any investigation will be carried out in accordance with the principles set out above. Any statements made will be taken into account and the opportunity will be given to comment on any additional evidence obtained. The Chair of Directors will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. The Chair of Directors will also invoke any disciplinary action required. If the person raising the concern believes that the Chair of Directors is involved in the wrongdoing, they should inform the Secretary (contact admin@ced.org.uk) who will then appoint a director to arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

On conclusion of any investigation, the person who raised the concern will be told the outcome and what CED has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

This stage should normally be completed within 1 month of the incident being reported. Where this is not possible the reasons for this must be conveyed to the whistleblower.

Stage 2

If on conclusion of stage 1 the person raising the concern 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.

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

Disciplinary Procedure – explanatory annex to CED's Articles of Association:

If a member of staff, volunteer or trustee has been found to have contravened CED policies, the disciplinary procedure is as follows:

- (i) The Chair of Directors will discuss the incidence of misconduct with the perpetrator and report back to the board. If the complaint concerns the Chair, then another director will investigate the misconduct.
- (ii) If considered appropriate by the board, the perpetrator will be invited to attend a board meeting where the incidence is discussed. This may result in removal from membership (see 5(b) (ii) of the Articles of Association).

Appendix 1

CED Safeguarding/Whistleblowing Record and Investigation Report

Allegation/Issue and Date raised	
Person(s) investigated	
Complainant	
Investigator	
Background <i>e.g. how did the issue come to light? Have any other actions been taken prior to this investigation?</i>	
Remit of investigation <i>What specific allegations/concerns were investigated?</i>	
Process <i>How was information gathered?</i>	
People contacted as part of investigation	
Findings	
Actions	