

Whistleblowing Policy



Introduction

The 4 All Foundation is committed to being open, honest, and accountable. It encourages a free and open culture in its dealings between the Trustees and those working in The 4 All Foundation.

This policy aims to help the Trustees and employees, contractors, and volunteers to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

What is Whistleblowing?

The definition of whistleblowing as explained on the government website (<https://www.gov.uk/whistleblowing>) is as follows:

"You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future."

Scope of Policy

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These concerns are called "qualifying disclosures". A qualifying disclosure is one made in good faith 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 (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice)
- the failure to comply with legal obligation
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment; or
- concealment of any of the above

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is The 4 All Foundation's responsibility to ensure that an investigation takes place. An employee who makes such a protected disclosure has the right

not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. The 4 All Foundation encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, they should discuss the issue with the Chair of Trustees, any Trustee or the CEO.

Whistleblowing procedure

Deciding whether to raise a concern

Individuals who feel unsure about whether or how to raise a concern or want independent advice can speak to someone at any stage.

Employees and volunteers can speak to any of The 4 All Foundation Trustees or the CEO.

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact:

- their trade union or professional body (if applicable), or
- the independent charity, protect on 020 3117 2520. Their website is <https://protect-advice.org.uk/>. They will be able to advise on how and with whom to raise a concern about malpractice.

How to raise a concern

Individuals should in most cases, first report their concern to the Chair of Trustees who will respond to the matter. If you feel unable to raise this matter with the Chair of Trustees, for whatever reason, the Trustee designated to whistleblowing can be approached.

The Trustee designated to whistleblowing is **Mandy Jones and her email is Mandy.Jones@mmat.co.uk**.

Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates, and places where possible) and indicating the reasons for their concerns.

Employees may wish to seek the assistance of their trade union or professional body representative before raising the concern. The representative may, where the employee so desires, raise the concern on behalf of the employee.

Employees may also invite a trade union or professional body representative or colleague to be present during any meetings or interviews about the concerns they have raised.

If any member of staff, volunteer or trustee feels unable to report a concern internally, or if the concern relates to senior staff, trustees, or leadership within the Foundation, they may report concerns directly to the relevant local safeguarding authority.

Telford & Wrekin

Concerns can be reported to Family Connect:

- Telephone: 01952 385385
- Email: familyconnect@telford.gov.uk
- Monday to Friday, 9am–5pm

Shropshire Council

Concerns can be reported to the First Point of Contact (FPOC):

- Telephone: 0345 678 9021 (children's safeguarding)
- Telephone: 0345 678 9044 (adult safeguarding)
- Out of hours Emergency Social Work Team: 0345 678 9040

Investigation Procedure

The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required
- Action being taken under other the 4 All Foundation policies and/or procedures
- An internal investigation under this policy
- A referral to the police
- A referral to the Charity Commission
- An independent enquiry

On receipt of a disclosure, the member of staff who receives and takes note of the complaint, (if not one of the below) must pass this information as soon as is reasonably possible, to the appropriate designated responsible person as follows:

Designated Trustee for Whistleblowing

Chair of Trustees

Where further action is required in relation to a complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigator will be one of the following who is not the responsible person:

- Designated Trustee for Whistleblowing
- Chair of Trustees

The investigating officer will then:

- Make a detailed record of the disclosure
- Ask the employee to provide a written statement describing the precise nature of the allegations
- Upon receipt of the written statement, decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the employee. In their letter, they will acknowledge receipt of the complaint, provide information on who it has been referred to and details of who the employee should contact if they have any further questions

Depending on the nature of the investigation, The 4 All Foundation instead may decide to arrange for a suitably qualified external independent professional to undertake the investigation.

During the investigation, the employee who reported the disclosure may need to be called upon for interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.

Once the investigation is complete:

The employee will be given a prompt and thorough explanation about the result of the investigation and any action The 4 All Foundation is likely to take as a result of it.

Where the allegation is deemed to be of a serious nature, an appropriate report will be submitted to the Board of Trustees.

Any action which the investigator decides is required will be taken.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the appropriate designated responsible person as follows:

- Designated Trustee for Whistleblowing
- Chair of Trustees

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, The 4 All Foundation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Charity Commission or Health and Safety Executive), or, where justified, elsewhere.

The 4 All Foundation recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the Charity Commission or police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Safeguards

Protection: This policy is designed to offer protection to those employees of The 4 All Foundation who disclose concerns, provided the qualifying disclosure is one made in good faith by an employee who has a reasonable belief that a wrongdoing has or is likely to occur and is in the public interest.

Confidentiality: The 4 All Foundation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the

investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations: This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the 4 All Foundation.

In exercising this discretion, the factors to be taken into account will include:

The seriousness of the issues raised

The credibility of the concern

The likelihood of confirming the allegation from attributable sources

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Charity Commission Involvement

Charity employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission.

The commission asks that whistleblowing reports are made in writing via the dedicated whistleblowing email address of:

whistleblowing@charitycommission.gsi.gov.uk

More information can be found at:

<https://www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees>