

Whistleblowing Policy

Review Cycle	Annual
Date written	August 2020
Date reviewed	December 2021
Date of next review	December 2022

The Purple Elephant Project recognises the importance of any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity being reported and properly dealt with. We encourage a free and open culture in our dealings and 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

This policy is written in the context of the Public Interest Disclosure Act 1998 which 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

- 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
- a failure in the protection of children or vulnerable adults
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no

responsibility for investigating the matter - it is the charity's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

What is whistle blowing

Whistleblowing, or public interest disclosure, is when a worker reports a concern about the improper actions or omissions of their colleagues or their employer which may cause harm to others or to the organisation. Obvious examples of such improper actions include theft, fraud, abuse, breaches of health & safety.

The disclosure should be made 'in good faith'. In other words, the disclosure must be made out of real concern about wrongdoing. Knowingly and maliciously making false accusations for ulterior motives is not whistleblowing. The whistleblower should reasonably believe the information and allegation is substantially true, even if the information later turns out to have been incorrect.

Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have personally been poorly treated. A whistleblower is usually not directly or personally affected by the concern and therefore rarely has a direct personal interest in the outcome of any investigation into their concerns.

The whistleblower raises the concern so that others can address it. Examples of concern may include:

- ✓ an employee or volunteer defrauding The Purple Elephant Project or anyone using The Purple Elephant Project services;
- ✓ the physical or emotional abuse of children, young people, vulnerable adults or the elderly;
- ✓ anyone making inappropriate use of The Purple Elephant Project's resources (eg: for their own personal use);
- ✓ faulty machinery that puts the safety of employees or users of The Purple Elephant Project at risk

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 that they become aware of.
- 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, you should not agree to remain silent. You should report the matter to the Chief Executive or the Chair of the Board of Trustees.

Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

Stage 1: In the first instance, any concerns should be raised with the CEO who is expected to deal with the matter. The CEO will arrange an investigation of the matter. Any investigation will be carried out in accordance with the principles set out above. 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. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The CEO will take any necessary action, including reporting the matter to the Chair of the Board of Trustees, any appropriate government department or regulatory agency, the police, agencies such as Social Services, an external auditor or an independent investigator. The CEO will also invoke any disciplinary action required. It may be necessary for the individual to give evidence in criminal or disciplinary proceedings. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If the suspicions are not confirmed by an investigation, the matter will be closed. Staff will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

Stage 2: If you are concerned that the CEO is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

Stage 3: If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you 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

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

Further

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

This policy does not deal with any complaints staff may have about their employment. This should be dealt with through charity's complaints Procedure.

Volunteers should make complaints or raise concerns through the Complaints Procedure.

Service users should make complaints or raise concerns through the Complaints Procedure.

Protecting the person raising the concern

If an individual raises a concern which they believe to be true, The Purple Elephant project will take appropriate action to protect the individual from any harassment, victimisation or bullying.

Employees who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.

The matter will be treated confidentially if the individual requests it and their name or position will not be revealed without their permission unless required to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual's identity, the CEO will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the CEO/chair of trustees will decide whether or not to consider the matter taking into account:

Tel: 07736 906819
info@thepurpleelephantproject.org



CHARITY COMMISSION
FOR ENGLAND AND WALES

Charity No: 1186434

- ✓ the seriousness of the matter;
 - ✓ whether the concern is believable;
 - ✓ whether an investigation can be carried out based on the information provided.
-
- ✓ **Data protection**
 - ✓ When an individual makes a disclosure, we will process any personal data collected in accordance with the 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.