



## **WHISTLE-BLOWING POLICY**

### **1. INTRODUCTION**

- 1.1 The Community Foundation serving Tyne & Wear and Northumberland (the Foundation) is committed to an open and safe working culture where people feel able to speak up. By listening and responding to genuine concerns disclosed by people working for the Foundation, we can prevent wrongdoing, protect people from harm and support the organisation's reputation. This policy sets out how people working for the Foundation may 'blow the whistle' when they have a genuine concern about perceived or actual wrongdoing. It gives assurance that, subject to disclosures being made in good faith and without malice, action will be taken, and whistleblowers protected against any detriment.

### **2 SCOPE**

- 2.1 Whistleblowing is the term used when someone working for an organisation discloses information about wrongdoing in or by that organisation. Whistleblowers are protected in law when they are acting in the public interest and their disclosure relates to types of wrongdoing set out in paragraph 3.1.
- 2.2 The policy covers whistleblowing by the Foundation's trustees, staff and volunteers. Other people and organisations may raise concerns through the Foundation's publicly available complaints procedures. There are also options for third parties to complain about the Foundation to the Charity Commission or to the Fundraising Regulator.  
<https://forms.charitycommission.gov.uk/raising-concerns/>  
[www.fundraisingregulator.org.uk/complaints/make-complaint](http://www.fundraisingregulator.org.uk/complaints/make-complaint)
- 2.3 Whistleblowing does not cover personal grievances or complaints that trustees, staff or volunteers may wish to raise about their role or employment. These are covered by the Foundation's policies on grievance, volunteering and its trustees' code of conduct.

### **3 PRINCIPLES**

- 3.1 To be covered by law<sup>1</sup>, the whistleblower must reasonably believe that by making a disclosure they are acting in the public interest, and that one or more of the following is being, has been or is likely to happen at the Community Foundation.
- A criminal offence (e.g. fraud)
  - Failure to comply with a legal obligation.
  - A miscarriage of justice.

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<sup>1</sup> The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998.

- Endangering of health or safety (including bullying, harassment and/or victimisation at work).
- Damage to the environment.
- Deliberate covering up of any of the above.

- 3.2 The Foundation commits to treating all genuine disclosures consistently and fairly. People working for the Foundation who raise a genuine concern under this policy will not be at risk of losing their job, trustee or volunteer role, or suffering any other form of detriment. Any non-disclosure clauses in settlement agreements the Foundation enters into do not prevent people from whistleblowing.
- 3.3 The Foundation will not tolerate bullying, harassment or victimisation of anyone raising a genuine concern. Provided they are acting in good faith, it does not matter if a genuine whistleblower is mistaken. However, anyone who maliciously discloses something they know is untrue may be subject to disciplinary procedures or actions under the trustee code of conduct or volunteers policy.
- 3.4 The Foundation will take reasonable steps to maintain the confidentiality of a whistleblower where requested. However, there may be situations where we are required by law to break that confidentiality (e.g. to provide evidence to a court). Where we suspect that may be the case, we will endeavour to discuss the matter with the whistleblower beforehand.
- 3.5 The Foundation can consider anonymous disclosures. But anonymous whistleblowers will not ordinarily be able to get feedback and any action we can take based on their disclosure may be limited.
- 3.6 The Foundation will give as much feedback as it properly can to whistleblowers. If requested, we will confirm our response to the person raising the concern in writing. However, we may not be able to reveal precise action taken if doing so would infringe a duty of confidence owed by us to someone else.
- 3.7 The Foundation will provide training for managers and trustees on how to respond to whistleblowing in line with this policy.

## **4 PROCESS FOR RAISING CONCERNS**

- 4.1 Staff with a concern about wrongdoing are encouraged to raise it first with their line manager in person or in writing. Volunteers should contact their lead staff contact.
- 4.2 If a staff member or volunteer feels unable to raise the matter with their line manager/lead staff contact, for whatever reason, or they reasonably believe that their line manager has failed to respond adequately to the disclosure, they may raise the matter with one of the following:
- Rob Williamson, Chief Executive Officer
  - Sonia Waugh, Chief Finance and Operating Officer and deputy to the CEO
  - John Hollingsworth, Chief Philanthropy Officer and deputy to the CEO

- 4.3 If these channels have been followed and the staff member or volunteer still has concerns, or if they feel uncomfortable discussing the matter with any of the above, or it is serious that it would not be appropriate to do so, they may contact the Chair or the Deputy Chair of the Board whose details are on the Foundation's Salesforce system.
- 4.4 Trustees with concerns should contact the Chief Executive Officer in the first instance. If the matter concerns the CEO, they should contact the chair. If the matter concerns the chair, they should contact the deputy chair of the Board.
- 4.5 The person receiving the disclosure on the Foundation's behalf will:
- listen to and make a written record of the concerns raised and any evidence the whistleblower presents or says is available;
  - advise the whistleblower if the matter should be dealt with through the grievance procedures, trustees code of conduct or volunteers policy;
  - refer the matter to the person who will investigate (if different from the person receiving the disclosure) and tell the whistleblower who this is and how they can be contacted;
  - reassure the whistleblower that their identity will be kept confidential in line with this policy and that they will not suffer any detriment for raising genuine concerns;
  - try to answer any questions the whistleblower has and explain why they cannot answer them if not;
  - keep the whistleblower informed about the progress of any investigation into their disclosure;
  - provide feedback to the whistleblower after any investigation, explaining any action taken that can be disclosed.
- 4.6 Normally the CEO or one of their deputies will investigate. In the case of concerns involving the CEO, the Chair or Deputy Chair may investigate. Concerns involving the Chair will be investigated by the Deputy Chair who may involve the CEO. The person responsible can bring in an external independent person to support the investigation where appropriate. Investigations should be completed ideally within a working week.
- 4.7 The investigator will do the following.
- Treat the matter in confidence within the limits of this policy.
  - Report the matter to the Board of trustees and, where necessary, to the policy or relevant regulatory agencies.
  - Gather sufficient evidence to make an objective judgement.
  - Produce a written report detailing the findings of the investigation, reasons for the judgement and any recommended actions.
- 4.8 Gathering of evidence during an investigation may include, but is not limited to, discussions with other people who may be witnesses or have relevant knowledge, review of paper and electronic files, including emails, and review of social media and messages.
- 4.9 Normally the CEO will decide on actions arising from investigations carried out by one of their deputies. The Chair or Deputy Chair of trustees will normally decide on actions from investigations conducted by the CEO, about the CEO, or about trustees, which may include referring the matter to the full Board for decision.

## 5. RAISING A CONCERN EXTERNALLY

5.1 Individuals who wish to obtain independent advice about whether to raise a concern or about a concern that has already been raised may contact:

- their trade union, if applicable, or Citizens Advice, or
- the charity Protect [www.protect-advice.org.uk](http://www.protect-advice.org.uk) on 020 3117 2520 which gives free confidential advice about raising issues of serious malpractice at work.

5.2 In exceptional or urgent circumstances, or where having made a disclosure the whistleblower is unsatisfied with the outcome, they have the legal right to make a disclosure to prescribed external bodies. These include but are not limited to:

- The Charity Commission
- The Fundraising Regulator
- HM Revenue and Customs
- The Health and Safety Executive
- The Financial Services Authority
- The Environment Agency
- The police

5.3 As part of its action in response to a concern, the Foundation may also refer the matter to any of the above without seeking the whistleblower's consent.

## 6. MONITORING AND REVIEW

6.1 The Foundation will monitor the effectiveness of this policy regularly to ensure its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. The policy will be reviewed by the Board every three years.

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