

Whistleblowing Policy

(Making a disclosure in the public interest)

It is important that any fraud, misconduct or wrongdoing by staff, volunteers 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 they may have and how those concerns will be dealt with.

Scope and Protection

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, for example fraud
- a miscarriage of justice
- someone’s health and safety is in danger
- risk or actual damage to the environment
- a breach of any other legal obligation
- concealment of any of the above

Therefore, whistleblowing is disclosing wrongdoing that must be in the public interest. This means it must affect others.

Please note that personal grievances are not covered by whistleblowing. Please contact HR for further advice if this is the nature of your disclosure.

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 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.

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.
- Allegations need to be made in good faith. If an individual makes an allegation in good faith, which is not confirmed by the subsequent investigation, no action will be taken against the individual. If, however, an individual makes malicious allegations, disciplinary action may be taken against them.
- 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 your team's director or the CEO as appropriate – please see the process below.

Reporting your concern

This procedure is for disclosures and concerns about matters outlined in the scope section of this policy.

Please read the below carefully. Depending on who may be involved in the wrongdoing you are reporting, please choose the appropriate level to contact. The person who receives the report becomes the investigating officer unless they nominate somebody else specialised in it (who cannot be a person involved in the concern).

Level 1

In the first instance, any concerns should be raised with the department's director (unless they are involved or connected in the wrongdoing in which case please go to the next stage), who will arrange an investigation of the matter. For people in mission the first point of contact is the director of international mission. The investigation may mean you and other individuals are involved giving a written statement. 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 management's discretion).

Any investigation will be carried out in accordance with the principles set out above. The responsible director will take any necessary action, which includes reporting the matter to the CEO or the chair of the Board of Trustees and any appropriate government department or regulatory agency. The director will also invoke any disciplinary action required. On conclusion of any investigation, you 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.

Level 2

If you are concerned that your team's director is involved or connected in the wrongdoing, or 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 CEO. The CEO will arrange for a review of the investigation to be carried out and make any necessary enquiries.

Level 3



If you are concerned that the CEO is involved or connected in the wrongdoing, or 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 (Chair). 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.

*Please note the whistle-blower has the right to bypass the line management structure and take their complaint direct to the chair. The chair has the right to refer the complaint back to management if they feel that the management, without any conflict of interest, can more appropriately investigate the complaint.

** If there is evidence of criminal activity then the investigating officer should inform the police. CMS will ensure that any internal investigation does not hinder a formal police investigation.

Level 4

If on conclusion of stages 1, 2 and 3 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 on the government website:

<https://www.gov.uk/government/publications/blowingthe-whistle-list-of-prescribed-people-and-bodies--2>

Please note you should not contact the press, as this is not a relevant body as described above; if you do contact the press, you could be subject to disciplinary action.

Timescales

- Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and/or the 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 send a written acknowledgement of the concern to the whistleblower within three days (unless either party is in a sensitive or otherwise difficult location) 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 update the whistle-blower every two weeks, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- All responses to the whistle-blower should be in writing and sent to their home address marked "confidential".



Investigating Procedure

The investigating officer (normally a director or an appointed specialist that could be internal/external) should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependent on the circumstances of the complaint an alternative representative may be allowed e.g. the individual's legal representative.
- The investigating officer should consider the involvement of the police (depending on the disclosure) and should consult with the chair/CEO if appropriate.
- The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals/bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the outcome. The report will be passed to the CEO and chair.
- The CEO/chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate CMS procedures.
- The whistle-blower should be kept informed of the progress of the investigations and the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of CMS procedures.