

## **Reporting a Suspected Malpractice (Whistle Blowing)**

### **Policy**

1. It is the duty of every member of staff and volunteer to speak up about genuine concerns in relation to criminal activity, breach of a legal obligation (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment, and the cover up of any of these in the workplace. This applies whether or not the information is confidential.
2. The Knapp Foundation is committed to ensuring that any staff concerns of this nature will be taken seriously and investigated. A disclosure to the Foundation will be protected if the member of staff has an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur. Staff and volunteers who raise concerns reasonably and responsibly will not be penalised in any way. This policy will be reviewed every three years or after changes in legislation or in experience.

### **Whom this policy is for**

3. This policy is for people employed by or volunteering with the Knapp Foundation. For the purposes of this policy only, this is someone who is:
  - i. Employed on a permanent or fixed term contract of employment
  - ii. On secondment to the Foundation
  - iii. On a temporary contract or employed through an agency to work for the Foundation.
  - iv. An independent consultant for the Foundation
  - v. A volunteer with the Foundation
  - vi. Contractors and suppliers of services to the Foundation.

### **Procedure**

4. Any individual who has reasonable suspicions of malpractice should initially take their concerns to their line manager. If they do not feel that this is the appropriate person, they should approach a Trustee. It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by their trade union representative or colleague at any stage of this procedure. All reported incidents will be investigated. All reports will be dealt with in confidence, with only staff who need to know, being informed.
5. The line manager or Trustee will establish and record the basis of the concerns that have been raised and establish what further actions are required. The individual

raising the concern will be advised of the outcome of the investigation as soon as possible, normally within two weeks of the date of their disclosure. Where a longer period is needed for investigation, the member of staff will be informed in writing.

6. The Chair of Trustees will be informed of all reported disclosures and the actions being taken. In the case of disclosures on alleged fraud and corruption, the Foundation's Treasurer and Independent Examiners will be informed by the Chair.

9. If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to the Chair or another appropriate Trustee, who will arrange any further investigation as he/she thinks appropriate. The Chair will send a written response to the individual concerned.

### **Guiding principles**

10. To ensure that this policy is adhered to, and to assure staff that the concern will be taken seriously, the Foundation will:

- i. Not allow the person raising the concern to be victimised for doing so;
- ii. Treat victimisation of whistle blowers as a serious matter that may lead to disciplinary action that may include dismissal;
- iii. Not attempt to conceal evidence of poor or unacceptable practice;
- iv. Take disciplinary action if an employee destroys or conceals evidence of poor or unacceptable practice or misconduct;
- v. Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistle blowing;
- vi. Liaise with the other organisations (see section below) to whom staff report malpractice.

### **Independent advice and further reading**

11. Further Information for charitable organisations can be found on the Charity Commission's website at:

[http://www.charity-commission.gov.uk/Our\\_regulatory\\_activity/Reporting\\_issues/Trustee\\_employee\\_and\\_volunteer\\_guidance\\_index.aspx](http://www.charity-commission.gov.uk/Our_regulatory_activity/Reporting_issues/Trustee_employee_and_volunteer_guidance_index.aspx)

12. Employees who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Public Concern at Work (<http://www.pcaw.org.uk>) on 020 7404 6609 or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work. Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS) – Telephone: 08457 47 47 47.

13. You may feel that it is more appropriate to report a matter to another organisation. Other organisations concerned with standards in the voluntary sector include:

- The Charity Commission - 0845 300 0218
- Health & Safety Executive – contact on-line <http://www.hse.gov.uk/contact/index.htm> or in emergency 0845 300 9923
- NHS Fraud & Corruption Reporting Line – 0800 028 40 60
- Public Concern at Work and ACAS can advise on the circumstances when it is more appropriate to contact an outside body.

Adopted by a meeting of the Trustees on 1st February 2023