

## WHISTLEBLOWING POLICY

POLICY MONITORING	
<b>Person responsible for Policy</b>	Chief Executive
<b>Committee responsible for Review</b>	Board of Trustees
<b>Policy approved</b>	11 May 2020
<b>Frequency of Review</b>	Three yearly
<b>Date of next Review</b>	May 2023

### 1. Purpose

Lymphoma Action is committed to the highest standards of integrity and honesty, and encourages a free and open culture in which all individuals can safely raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run without fear of reprisal. This policy applies to all staff members or officers of the charity. Other individuals performing functions in relation to the charity, such as agency staff members, volunteers and contractors, are encouraged to use it.

This policy sets out the formal process and guidance for staff members who have genuine concerns about what is happening at work, or where concerns already raised have not been dealt with appropriately.

This policy has been drafted to ensure that mechanisms exist to ensure that matters of concern raised by staff are addressed quickly and effectively. The charity places a high importance on safeguarding all of its stakeholders and we need the combined efforts of all staff to do this effectively.

At all times anyone involved in any aspect of this procedure must comply with the requirements of the Lymphoma Action Confidentiality Policy.

### 2. Definitions

**'Whistleblowing'** - 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, for example the general public.

As a whistleblower you are protected by law – you should not 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. (Whistleblowing for employees, GOV.UK)

**Regulatory Framework** - Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the [Public Interest Disclosure Act 1998](#)). This provides the statutory framework for employment protections for charity workers who make a qualifying disclosure (or 'blow the whistle') to us about suspected wrongdoing, including crimes and regulatory breaches by their employer. (Whistleblowing disclosures made to the Charity Commission for England and Wales 2018 to 2019, GOV.UK)

### 3. Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for staff members who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a staff member who has a reasonable belief that any of the following is being, has been, or is likely to be, committed:

- 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 any statutory Code of Practice;
- concealment of any of the above;

The list below is not exhaustive but gives examples of the types of concerns that should be raised:

- misuse of assets (including stores, equipment, vehicles, buildings, computer hardware and software)
- failure to comply with appropriate professional standards
- any concerns regarding our organisation's fundraising practice
- bribery, corruption or fraud, including the receiving or giving of gifts or hospitality in breach of our procedures
- falsifying records
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to our business or would otherwise seriously prejudice it
- abuse of authority
- using the power and authority of our organisation for any unauthorised or ulterior purpose
- causing damage to the environment
- abuse of Service Users where concealment is suspected.

It is not necessary for the staff member to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The staff member has no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place.

A staff member who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The charity encourages staff members to raise their concerns under this procedure in the first instance. If a staff member is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager, a member of the Senior Management Team or the Chief Executive.

The Public Interest Disclosure Act 1998 protects whistleblowers. The Act covers all workers including those on temporary contracts or supplied by an agency, and trainees. It should be noted, however, that the Act does not cover volunteers. However, we will treat volunteers in the spirit of the Act even though not obliged to do so.

#### **4. Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff members 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 staff member who raised the issue.
- No staff member 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 staff member will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a staff member for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the charity's 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, staff members should not agree to remain silent. They should report the matter to a member of the Senior Management Team or to the Chief Executive or, where the Chief Executive is concerned, the Chair of the Board of Trustees.

#### **5. Whistleblowing Procedure**

This procedure is for disclosures about matters other than a breach of a staff member's own contract of employment. If a staff member is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the charity's Grievance Procedure.

##### ***Stage 1 – Line Manager***

In the first instance, and unless the staff member reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the staff member does not wish to approach his/her line manager, any concerns should be raised with the staff member's line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the staff member should raise their concern directly with

a member of the Senior Management Team (unless the SMT member is the line manager, or involved, in which the staff member should proceed straight to stage 3).

### ***Stage 2 – Senior Management Team SMT)***

The line manager (or staff member if approaching SMT directly) will notify SMT and a member of SMT will arrange an investigation of the matter. The investigation may involve the staff member and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The staff member's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The SMT member who carried out the investigation will then report to the Chief Executive, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency or beginning any disciplinary action if required in line with the organisations Disciplinary Procedure.

On conclusion of any investigation, the staff member will be told the outcome of the investigation and what the Chief Executive has done, or proposes to do. If no action is to be taken, the reason for this will be explained. The staff member will be advised of the likely time frame needed for the charity to handle the disclosure, which will depend on its nature. The Chief Executive will submit a full report to the Board.

### ***Stage 3 – Chief Executive***

If the staff member is concerned that his/her line manager/SMT member is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Chief Executive, he/she should inform the Chief Executive of the charity, who will arrange for another manager to review the concern; any investigation carried out; make any necessary enquiries and make his/her own report to the Chief Executive as in stage 2 above.

Any approach to the Chief Executive will be treated with the strictest confidence and the staff member's identity will not be disclosed without his/her prior consent.

### ***Stage 4 – Chair of the Board of Trustees***

If the previous stages have been followed and the staff member still has concerns, or if the staff member feels that the wrongdoing is so serious that they cannot raise their concerns with any of the above, then they should contact the Chair of the Board of Trustees. This should be done in writing, giving as much detail as possible about their concern.

### ***Stage 5 – External bodies***

If, on conclusion of stages 1 to 4, the staff member reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- The Charity Commissioners for England and Wales
- Office of the Scottish Charity Regulator
- Fundraising Regulator for England and Wales
- Scottish Fundraising Standards Panel
- The Commissioners for Her Majesty's Revenue and Customs

- The Environment Agency
- Scottish Environment Protection Agency
- The Health and Safety Executive
- The Information Commissioner
- The Serious Fraud Office
- The Pensions Regulator
- 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/BlS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BlS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

Staff members can obtain further information and advice on whistleblowing externally from;  
ACAS (Helpline 0300 123 1100, website <http://www.acas.org.uk>)  
Protect (Helpline 020 3117 2520, website <https://protect-advice.org.uk/>)  
Charity Commission <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

## 6. Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with Lymphoma Action's 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.

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