

WHISTLEBLOWING POLICY

POLICY MONITORING	
Person responsible for Policy	Chief Executive
Committee responsible for Review	Board of Trustees
Policy approved	16 May 2023
Frequency of Review	Three yearly
Date of next Review	May 2026

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 employees and agency workers. Other individuals performing functions in relation to the charity, such as volunteers are encouraged to use it.

This policy sets out the formal process and guidance for employees who have genuine concerns about what is happening at work, or where concerns already raised have not been dealt with appropriately. Guidance is available at [‘Whistleblowing for employees: What is a whistleblower’ - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees-what-is-a-whistleblower)

This policy is in place to ensure that mechanisms exist for matters of concern to be raised by staff and for such issues to be addressed in a robust manner.

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 enshrined in the Employment Rights Act 1996 (as amended by the [Public Interest Disclosure Act 1998](https://www.gov.uk/guidance/public-interest-disclosure-act-1998)).

The Charity Commission is a ‘prescribed person’ under the Public Interest Disclosure (Prescribed Persons Order) 2014, making it the regulatory body for appropriate disclosures on matters relating

to 'the proper administration of charities and funds given, or held, for charitable purposes : [Whistleblowing disclosures made to the Charity Commission for England and Wales 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/whistleblowing-disclosures-made-to-the-charity-commission-for-england-and-wales-2021-to-2022)

This provides the statutory framework for employment protections for charity workers who make a qualifying disclosure (or 'blow the whistle') to about suspected wrongdoing, including crimes and regulatory breaches by their employer.

3. Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a 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
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the Charity is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

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

- governance failures or financial mismanagement
- failure to safeguard or protect people
- 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
- 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 or using the power and authority of our organisation for any unauthorised or ulterior purpose

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

A employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. However, if an employee is found to have acted in bad faith or has raised a whistleblowing complaint for malicious purposes, then disciplinary action may be taken up to an including dismissal.

The Charity encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, they should discuss the issue with their 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. Employees 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 employee who raised the issue.
- No employee 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 employee will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an employee 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, employees 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.
- 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.

5. Whistleblowing Procedure

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest. For these matters or matters relating to breach of the employee's own contract of employment please refer to the Charity's Grievance Procedure. The gov.uk website includes information on who to tell and what to expect: [Whistleblowing for employees: Who to tell and what to expect - GOV.UK \(www.gov.uk\)](https://www.gov.uk/whistleblowing-for-employees)

Stage 1 – Line Manager

In the first instance any concerns should be raised with the employee's line manager. If the employee believes the line manager to be involved, or for any reason does not wish to approach their line manager, then the employee should raise their concern directly with a member of the Senior Management Team (SMT) unless the SMT member is the line manager, or involved, in which the employee should proceed straight to stage 3.

Note* Claims made anonymously – the Charity reserves the right not to take these forward in the absence of sufficient information/evidence. Employees who report their concerns to the media, in most cases, lose their whistleblowing law rights.

Stage 2 – Senior Management Team (SMT)

The line manager (or employee if approaching SMT directly) will notify SMT and a member of SMT will arrange an investigation of the matter. The investigation may involve the employee and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The employee may 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 employee will be told the outcome of the investigation and what the Chief Executive has done, or proposes to do, including whether no action will be taken. The Chief Executive reserves the right to decide on how much detail to provide, given confidentiality requirements. The Chief Executive will submit a full report to the Board.

Stage 3 – Chief Executive

If the employee is concerned that their 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, they should inform the Chief Executive, who may arrange for another manager to review the concern; any investigation carried out; make any necessary enquiries and make their own report to the Chief Executive.

Any approach to the Chief Executive will be treated with the strictest confidence and the employee's identity will not be disclosed without their prior consent.

Stage 4 – Chair of the Board of Trustees

If the previous stages have been followed and the employee still has concerns, or if the employee 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 employee reasonably believes that the appropriate action has not been taken, the legislation sets out a number of bodies to which qualifying disclosures may be made. These can be found here: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/whistleblowing-list-of-prescribed-people-and-bodies)

6. What next

As well as Gov.uk and the Charity Commission, you can get further information from the [Advisory, Conciliation and Arbitration Service \(Acas\)](https://www.acas.org.uk) (ACAS Helpline 0300 123 1100, website <http://www.acas.org.uk>); [Citizens' Advice](https://www.citizensadvice.org.uk) or the whistleblowing charity [Protect](https://www.protect.org.uk).

If you feel that you were treated unfairly after you've blown the whistle, you can take a case to an employment tribunal.

7. Policy owner

This policy is owned by the Chief Executive and maintained by the HR & Governance Officer.

May 2023