



Policy: Whistleblowing

WHISTLEBLOWING

Key Points

The Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

Vineyard25 (the “Organisation”) is committed to the highest standards of transparency, probity, integrity, and accountability.

This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This procedure does not replace other policies and procedures such as the complaints procedure, the Grievance and Harassment and Bullying Policies and other specifically laid down statutory reporting procedures.

This policy is written in accordance with the Public Interest Disclosure Act 1998, as incorporated into the Employment Rights Act 1996 (as amended). It applies to workers, employees, contractors and volunteers as defined under that legislation.

Scope

This procedure applies to all Organisation employees, including Associates and contractors.

This procedure does not replace other Organisation policies or procedures. For example, if an employee has a grievance about their working conditions, they should use the Organisation Grievance Procedure (see Staff Handbook) or, if they felt that their manager or a colleague was treating them unfavourably, they should use the Organisation Anti-Bullying & Anti-Harassment Policy. Similarly if an employee has a concern about the conduct of a fellow employee in the working environment (e.g. that they are not treating colleagues with respect) they should raise these with their line manager, or if that is not possible, with the Chair of Trustees or through the Charity Commission's whistle blowing policy whistleblowing@charitycommission.gsi.gov.uk

Types of Concern Covered

The following are examples of issues which may be raised under this policy:

- Conduct that is an offence or breach of the law.
- Alleged miscarriage of justice.
- Serious Health and Safety risks.
- The unauthorised use of public funds.
- Possible fraud and corruption, sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users.

- Abuse of authority.
- Other unethical conduct.

Reporting

The Organisation recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to the Organisation and/or to those for whom they are providing a service.

The Organisation will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

Employees who wish to make a disclosure should do so, in the first instance, to their line manager, unless it is not appropriate to do so. If the disclosure cannot be made to their line manager, they should make their disclosure in writing to the Chair of Trustees at the Finance and Legal Office.

Contact Details for Reporting: (in writing)

Vineyard25 Trustees
The Vineyard Centre,
25 Wellington Business Park,
Crowthorne, Berkshire.
RG45 6LS

Confidentiality

The Organisation will treat all disclosures in a confidential and sensitive manner. The

identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Chair of Trustees.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised,
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant.

Untrue Allegations

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

Procedure for Making an Allegation

It is preferable for allegations to be made to an employee's immediate manager to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to any of the following:

- The Chair of Trustees
- The Company Secretary

If either of the above receives an allegation he/she will consider the allegation and may discuss it with the Organisation's Trustees. After consideration, they will then discuss with the whistleblower if they wish to proceed with the allegation and it will be investigated.

Allegation

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation.

However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

Action on receipt of an Allegation

The investigator will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation,
- The acknowledgement of the allegation,
- Any documents supplied by the whistleblower.

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the Company Secretary will be informed within 5 working days of receipt of the allegation. The Company Secretary will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence, it will immediately be reported to the Organisation's Board of Trustees and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children, the appropriate authorities will be informed immediately and the Organisation's Child Safeguarding Policy will be followed.

If the issue is around suspected harm to vulnerable adults, the Vulnerable Adults policy, the Mental Capacity Act Policy and the Deprivation of Liberty and Safeguarding Policies should be referred to.

Timetable

- Acknowledge the allegation in writing within 10 working days with:
 - An indication of how the Organisation propose to deal with the matter.
 - An estimate of how long it will take to provide a final response.
 - An indication of whether any initial enquiries have been made.
 - Information on whistleblower support mechanisms.
 - Indication whether further investigations will take place and if not, why not.

Where the allegation has been made internally and anonymously, obviously the Organisation will be unable to communicate what action has been taken.

Support

The Organisation will take steps to minimise any difficulties which may be experienced because of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings the Organisation will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

The Organisation accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

Responsibility for the Procedure

The Chair of Trustees and Company Secretary have overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

Monitoring

A Register will record the following details:

- The name and status (e.g., employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board of Trustees.

The Chair of Trustees will report periodically to the Board of Trustees on the operation of the Procedure and any whistleblowing allegations made during the period covered by the report. The report will be in a form that does not identify whistleblowers.