

## **Whistleblowing Policy**

### **1. Introduction**

All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. Evolve believes that it is its duty to identify such situations and take appropriate measures to remedy the situation. By encouraging a culture of openness within our organisation we can help prevent malpractice – prevention is better than cure.

By encouraging a culture of openness the organisation wants to encourage staff to raise issues which concern them at work. We expect all staff to maintain high standards in accordance with our Code of Conduct and to report any wrongdoing that fall short of these fundamental principles. It is the responsibility of all staff to raise concerns that they might have about malpractice within the charity. The aim of this policy is to ensure that our staff are confident that they can raise any matters of genuine concern without fear of reprisals, in the knowledge that they will be taken seriously and that the matters raised will be investigated appropriately and regarded as confidential. Provided staff act in good faith, it does not matter if you are mistaken. There is no question of you having to prove anything.

The following guidance sets out the procedure by which staff can report concerns about Evolve's practices.

### **2. Legislative Framework**

Whistleblowing is the disclosure of information by a staff member which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect staff that blow the whistle on bad practice from being subjected to any detriment or unfairly dismissed as a result.

If there is anything which you think Evolve should know about please use the procedure outlined in this policy. By knowing about malpractice at an early stage Evolve stands a good chance of taking the necessary steps to safeguard the interests of all staff and protect the organisation.

### **3. Personnel Responsible for Implementation of this Policy**

The trustees have overall responsibility for Evolve's policy on whistleblowing. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under the policy lies with Tanya Murshed.

The trustees have a specific responsibility to facilitate the operation of this policy and to ensure that staff feel able to raise concerns without fear of reprisals in accordance with the procedure set down below.

All staff are responsible for the success of this policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware. If you have any questions about the content or application of this policy, you should contact the trustees.

#### **4. What Disclosures are covered?**

You should use this policy if you have a genuine concern that there are reasonable grounds for believing that:

- A criminal offence has been committed, is being committed, or is likely to be committed; or
- A person has failed, is failing, or is likely to fail to comply with their legal obligations; or
- A miscarriage of justice has occurred, is occurring, or is likely to occur; or
- The health and safety of any individual has been, is being, or is likely to be endangered; or
- The environment has been, is being or is likely to be damaged; or
- Any of the above are being, or are likely to be, deliberately concealed.

In the context of Evolve's line of work, particular concerns which may fall within the terms of this policy include, for example, breach of our safeguarding policy, our code of conduct, confidentiality of our partners, clients and beneficiaries, the provision of negligent advice, financial fraud, harassment occurring to others and health and safety. We particularly encourage incidents related to safeguarding to be reported.

In general, this policy covers actions or omissions you consider are illegal, contrary to policy or established procedure or outside the scope of an individual's authority, actions which could damage Evolve's reputation and conflicts of interest.. However, only disclosures concerning those actions falling strictly within the categories in the above paragraph will be eligible for the relevant statutory protection.

#### **5. To Whom Should a Disclosure be made?**

If you are concerned about any form of malpractice you should first raise the issue with Alex Bennie. There is no special procedure for doing this you can tell the person about the problem or send an email to: [alexandergbennie@gmail.com](mailto:alexandergbennie@gmail.com).

If you feel you cannot tell Alexander Bennie for whatever reason please raise the issue with Marianne Alton. Her email address is [marianne.alton@gmail.com](mailto:marianne.alton@gmail.com).

If you have raised your concerns and you are still concerned or the matter is so serious that you feel that you cannot discuss it with any of the persons named above, you should raise the matter with Tanya Murshed. Her email address is [tanya.murshed@evolvefila.org](mailto:tanya.murshed@evolvefila.org).

We envisage that disclosures will most likely relate to the actions of our staff, but they may also relate to the actions of a third party. It may be appropriate for you to raise your concerns directly with the third party where you believe that the malpractice identified relates solely or mainly to their conduct or a matter which is their legal responsibility. However, we would ask that you consult the trustees before speaking to the third party.

## **6. Investigation of Disclosure**

After you have raised your concerns, Evolve will decide how to respond in a responsible and appropriate manner under this policy. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. We will always endeavour to handle investigations promptly and fairly, but if you have made a disclosure under the procedure outlined *above* and you are not satisfied with the investigation or its conclusion, you should write directly to Tanya Murshed detailing your concerns.

Evolve is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following your submission of a formal written disclosure, to the relevant individual (or another individual acting in their place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.

The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the relevant individual will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced. Where appropriate, you will also receive a copy.

If a longer investigation is considered necessary, we will usually appoint an investigator with experience of operating charity procedures or specialist knowledge of the subject matter of the disclosure. For example, if the disclosure concerns financial malpractice, internal audit or the finance director may be asked to investigate. Separate personnel will be asked to make a judgment on the report submitted by the investigator. Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered.

As far as possible Evolve will keep you informed of the decision taken and the outcome of any enquiries and investigations carried out (however, we will not be able to inform you of any matters which would infringe a duty of confidentiality owed to others).

It is not normally appropriate to set a specific timeframe for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or

has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

## **7. Confidentiality**

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is underway. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that your role as the whistle-blower could still become apparent to third parties during the course of an investigation.

## **8. Protection and Support for Whistleblowers**

No member of staff who raises genuinely-held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment as a result of raising concerns under this procedure, you should inform Tanya Murshed immediately. Staff who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action, up to and including dismissal from their role with Evolve.

If an investigation under this procedure concludes that a disclosure has been made maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action, up to and including dismissal. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined above.

## **9. Corrective Action and Compliance**

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigative team to enable the charity to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The trustees will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the charity. The main purpose of this policy is to give you the opportunity and protection you need to raise any concerns you may have internally. Evolve would



expect that in almost all cases, raising concerns internally would be the most appropriate action for you to take.

Please note that Whistleblowers, who make wider disclosures, for example reporting the matter to the police or the media, will only be protected from victimisation and suffering detriment in certain specified circumstances.

### **Reviewing the policy**

Evolve's trustees will review this policy every year, or when legislation changes.

Next Review Date: January 2022