



Registered Charity No. 1137688

PEPAL WHISTLE-BLOWING POLICY

Reviewed April 2019 (due for review April 2021)

1. Who this applies to

This policy applies to all permanent and temporary employees, directors, volunteers, trustees, and consultants associated with Pepal, within all regions, areas and functions – hereafter referred to as 'personnel'. Personnel will be given access to this policy upon appointment.

2. Related Policies

Safeguarding Policy
Employee Handbook

3. Policy Purpose

This policy aims to:

- provide a supportive process that encourages and enables personnel to raise concerns about misconduct within Pepal without repercussion.
- give confidence to those reporting concerns that their issue will be properly investigated and resolved in a timely manner.
- reassure personnel that they will be protected from possible reprisals or victimisation if they make a disclosure, even if they turn out to be mistaken.

4. Legal and Policy Impact

This policy considers the following legislation:

- Human Rights Act (1998)
- Public Interest Disclosure Act (1998) – This Act makes it unlawful for Pepal to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
- Employment Rights Act (1996) sections 44 and 100

Where an employee has a concern about their terms and conditions, working relationship with Pepal, or how a concern they raised was addressed, they are encouraged to use Pepal's grievance procedure.

In the event that an employee feels they are being bullied or harassed in the workplace for either blowing the whistle, or for any other reason they are encouraged to contact the Executive Director or Chair of the Board.

Those considering making a report under this policy must have reasonable grounds for believing the incident has occurred or is about to occur. If an employee is found to have raised a complaint or a false allegation for malicious reasons, disciplinary procedures will be followed. Where this does not apply (for example with consultants) steps may be taken to terminate any relationship with Pepal.

5. Whistle Blowing Policy

"Whistleblowing occurs when a worker raises a concern about danger or illegality that affects others, for example members of the public" (Chartered Institute of Personnel and Development, 2007)

Pepal is committed to creating and maintaining an open and accountable working environment and conducting our business with honesty and integrity. Pepal expects all personnel to report concerns to the senior team and encourages other stakeholders to report any concerns.

Pepal personnel, are likely to be the first to become aware of any malpractice, fraud, negligence, or illegality and we must be able to raise legitimate issues in an open and honest way without fear.

All allegations will be treated seriously and subject to a thorough investigation. Concerns will be discussed with the personnel reporting in order to help determine the precise action to be taken and you will be supported wherever possible through the process.

Whistle-blowers must ensure as far as possible that allegations are factually accurate, complete, from first-hand knowledge and are presented in an un-biased fashion. If a verbal report is made, it must be documented in the form of a witness statement and signed by the Whistle-blower.

A Whistle-blower or any other person who has participated in good faith in an investigation will not be subject to a reprisal.

The confidentiality of the person making a report will be respected however there may be instances where it is necessary to reveal their identity to a limited group, such as; to enable a fair and thorough investigation, lessen a serious threat to a person's safety and/or is required by law.

While anonymous reports may be made, it may be more difficult to investigate and we encourage personnel to come forward.

Any allegation that a person has engaged in a reprisal will be investigated and the matter treated very seriously. If proven to have occurred, it will expose the wrongdoer to the risk of a disciplinary response including termination.

6. Issues of Malpractice that should be reported

Whilst this is not an exhaustive list, malpractice would include the following:

- A criminal offence, including theft, fraud or corruption.
- Breaches the Safeguarding Policy
- A failure to comply with a legal obligation (including but not limited to those under the Charity Commission).
- A miscarriage of justice.
- Accepting gifts which are intended to influence decision making.
- The endangering of an individual's health and safety or/and well-being: this would include towards personnel or programme participant.
- An abuse of authority, position or information.
- Conduct which conflicts with Pepal code of conduct.
- Deliberate disregard or serious breach of Pepal values, including bullying and harassment, and discrimination.
- Other unethical conduct
- Deliberate concealment of information to any of the above.

The behaviour that gives rise to the concern does not have to take place in the UK.

7. Responsibilities

The Executive Director is accountable for ensuring the effective implementation of this policy throughout Pepal and representing Pepal's interests/concerns in the event of publicity or litigation resulting from a whistle-blowing allegation.

The Programme Director is responsible for ensuring that the principles of this policy are communicated and understood throughout the staff team and for putting the policy into practice. This includes:

- Ensuring that all concerns raised by personnel are taken seriously, investigated properly, objectively and in a timely manner.
- Ensuring that the personnel is kept informed of progress.
- Ensuring that action is taken to resolve the concern.

8. How to raise a concern

In the event that personnel suspect malpractice at Pepal they have a responsibility to inform someone who is able to do something about the problem. Personnel must provide details about the malpractice immediately as soon as they become aware. All attempts should be made to raise the concern internally in the first instance.

Please see the attached personnel guidance on raising a concern.

Personnel Guidance on whistle-blowing

1) This may help you to determine whether you should use the whistle blowing procedure:

- Does the malpractice fall under any of the categories outlined in section 6 outlined above?
- Do you have genuine reason to believe that malpractice occurred either in the past, recently, or is likely to occur in the near future?
- What details do you have? Check that the details are not judgements or assumptions, but based on fact.
- Do you feel vulnerable or at risk?

2) Letting someone know

- As soon as you become aware of, or have good reason to believe that, malpractice either has occurred, is occurring or likely to occur raise your concern with the Programme Director. You can make a report either orally or in writing.
- If the malpractice concerns the Programme Director or you think it may not be taken seriously, then raise your concern with the Executive Director.
- If you believe the malpractice is within your line management structure then raise your concern with the Chair of the Board.
- If you genuinely believe that you will be subjected to detrimental treatment if you report the concern to an appropriate person within Pepal, or that making a disclosure to someone within Pepal will result in destruction or concealment of evidence, or you believe that your concern was not dealt with satisfactorily by Pepal, you may raise your concern with an external body, see the resources below.

3) Providing details about your concern

- As soon as you become aware of or suspect malpractice, you have a duty to inform an appropriate person. If it is later found that you were aware of malpractice and had withheld information, this may have serious consequences for you.
- When reporting your concern, you will be required to give your name, your position, and details about the concern, including any evidence that you have to support the concern. This will enable the best possible investigation.
- If you want to raise the matter in confidence please make this clear when you make the report so that the appropriate arrangements can be made. Alternatively, you may make a report anonymously but please note that it is much harder (and sometimes impossible) to investigate suspicions without having direct access to the individual who raised the concern.
- If you genuinely believe that malpractice has occurred, is occurring or likely to occur Pepal will ensure that you do not suffer any disadvantage in the workplace as a consequence of raising your concern.

4) Next steps

- The concern will be investigated by the person to whom it is raised. All personnel called upon to assist the investigation will have a duty to co-operate and may

request that their concerns are treated in confidence: again such wishes will be respected.

- The investigating person will provide regular information to the personnel who raised the concern on the progress of the investigation up until an outcome has been reached. Please note that this does not necessarily mean that the outcome of the investigation will be divulged to the personnel, especially when relating the privacy of another individual.
- Pepal will respect and heed any legitimate concerns about your own safety or career, and will seek not to disclose your identity without your express consent. Any attempt to victimise an employee for having raised a concern about malpractice, or to deter anyone from raising such a concern, is a serious disciplinary offence.
- We will do everything possible to keep your identity secret (if you so wish) but there may be circumstances when you may be needed as a witness (for example, if your report becomes the subject of a criminal investigation). Should this be the case, we will seek to discuss the matter with you at the earliest opportunity.

APPENDIX B

External Sources of Information and Advice

The Charity Commission for England & Wales

Matters in respect of the proper administration of charities and funds given or held for charitable purposes.

Charity Commission, Liverpool Head of Operations, 2nd Floor, 20 Kings Parade, Queens Dock
Liverpool, L3 4DQ
Tel: 0870 333 0123

Chief Executive of the Criminal Cases Review Commission

Actual or potential miscarriages of justice.

Criminal Cases Review Commission, Alpha Tower, Suffolk Street, Queensway, Birmingham,
B1 1TT
Tel: 0121 633 1800 Email: info@ccrc.gov.uk

The Commissioners for Her Majesty's Revenue & Customs

Her Majesty's Revenue & Customs Cross Cutting Policy Room, 1E/04 1 Parliament Street
London, SW1A 2BQ
Tel: free phone 0900 595 000
Email: customs.confidential@hmrc.gov.uk

Health & Safety Executive

Matters which may affect the health and safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Health & Safety Executive Information Services, Caerphilly Business Park, Caerphilly, South Wales, CF38 3GG
Tel: 0845 345 0055
Email: hse.infoline@natbrit.com

Information Commissioner

The compliance with the requirements of legislation relating to data protection and to freedom of information.

The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 01625 545700
Email: mail@ico.gsi.gov.uk

Recognising that employees have a lot at stake when considering whether to and how to blow the whistle can seek independent advice from Public Concern at Work. Its website: www.pcaw.co.uk