

Whistleblowing Policy

Our Commitment

At Cheshire Community Foundation (CCF) we always aim to conduct ourselves ethically and with honesty and integrity and we expect the same high standards from all of our people – employees, contractors, agency workers and volunteers.

We do, however, recognise that there may be occasions when we, or our people, do not get this right. In these instances, you may feel that you need to raise your genuine and serious concerns through this whistleblowing policy.

Aims of the policy

The aims of this policy are to:

- Provide an effective way for you to raise serious concerns.
- Ensure that you receive feedback on any action undertaken by us as a result of you raising serious concerns.
- Ensure that you will be protected from reprisals or victimisation for having raised your concern in good faith.
- Signpost you to further options available to you if you are dissatisfied with our response, or if internal investigation is not appropriate.
- Allow the Foundation to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for the to do so.

Who this policy applies to

This policy applies to everyone who works for and volunteers with Cheshire Community Foundation. This means CCF employees, contractors, and volunteers.

Defining whistleblowing

'Whistleblowing' is a term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions, at work. For example, it covers how we raise funds, how we commission work or make payments.

The law recognises that whistleblowing occurs and protects employees who are whistleblowers from detrimental treatment such as dismissal. However, to be protected by the law, a whistleblower must fall within stringent legal rules. Anyone who does not act in good faith or is motivated by personal gain will not be protected.

Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and provides protection for individuals who raise legitimate concerns about specified matters, a outlined below, which are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that one of the following has occurred:

- A criminal offence (including fraudulent and corrupt behaviour, e.g., theft, fraud, or malpractice).
- A miscarriage of justice.
- An act creating risk to health and safety.
- An act of causing damage to the environment.
- A breach of any other legal obligation, or
- Concealment of any of the foregoing.

It is not necessary for you to have proof that such an act is being, has been or is likely to be, committed. However, you do need to hold a reasonable belief of such an action having been, being or likely to be carried out.

If you make such a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised. This is the case, even were it to materialise that you were genuinely mistaken. CCF will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith.

Under the law, contractors or volunteers are not afforded the same legal protection that is afforded to employees. CCF, however, wants to promote and encourage an open and honest environment in which concerns can be freely raised. We will therefore, in so far as is possible, aim to treat all individuals making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

Malicious disclosures

If it is found that you have maliciously raised a matter which you know to be untrue or if you are involved in any way in the malpractice, wrongdoing or illegal acts or omissions, your behaviour may be addressed through the appropriate CCF policy.

Non-whistleblowing concerns

This policy is only to be used in the exceptional circumstances outlined above. There are a number of CCF policies that will be relevant in other circumstances. This list includes, but is not limited to:

- Safeguarding and child and vulnerable adult protection.
- Bullying and harassment.
- Disciplinary.
- Grievance.

Raising a concern

You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly.

You can make your disclosure verbally, but written disclosures are preferable as these will make the process more efficient and effective. In your disclosure you should:

- Provide any relevant context and background, including relevant dates, venues, names etc.
- State clearly the reason why the situation causes concern.

You must say that you are raising your concern using the whistleblowing policy and whether you wish your identity to be kept confidential.

While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, you will be informed of this and the reasons why it was not possible.

We will consider anonymous disclosures, but we do not encourage them as anonymity often makes it difficult to properly investigate concerns, protect employees or give feedback on outcomes.

Who should I raise it with?

You should always raise the matter with the Chief Executive Officer in the first instance.

Where a concern is about the Chief Executive or a Trustee, then you should contact the Chair of the Foundation.

If appropriate, the CEO may arrange for the concern to be investigated externally and independent of CCF and for appropriate follow up action to be taken.

What happens after I raise a concern?

Your disclosure will always be acknowledged within three working days. It will be investigated by the CEO or senior officer that you raised your concern to. They will arrange to meet you as soon as possible, away from the workplace if necessary, to enable you to explain your concern. It may not always be possible to keep your details confidential, but we will always let you know if this is the case.

You will be told either at the meeting or as soon as possible afterwards what action will be taken to address the concern you have raised. Where action is not taken, you will be informed and given an explanation. The action taken in response to a disclosure will depend on the nature of the concern.

Typically, the matters raised may result in one or more of the following:

- No action required.
- Action being taken under another CCF policy or procedure.
- An internal investigation under this policy.
- A referral to the police or relevant statutory body.
- A referral to CCF's external auditors.
- A referral to the Charity Commission.
- An independent enquiry.

Raising a concern externally

It is strongly encouraged that internal processes are exhausted in the first instance.

In exceptional or urgent circumstances, however, or where, having made a disclosure you are unhappy with the outcome, you have a legal right to make a disclosure to the prescribed bodies. These include, but are not limited to:

- The Charity Commission.
- HM Revenue & Customs.
- The Health and Safety Executive.
- The Financial Services Authority.
- The Office of Fair Trading.
- The Environment Agency.
- Fundraising Regulator.

Similar to the rights and obligation of an employee, CCF reserves the right to make a referral to any of the above agencies without your consent.

Making a disclosure to the press

Disclosures to the press will not be considered reasonable and may constitute misconduct. As such, the matter might be treated as a disciplinary matter in accordance with our disciplinary and grievance policy.

Further help and assistance

If, at any stage in the procedure, you are unsure about what to do and would like independent advice, you can discuss your concern with someone at "Protect" (formerly Public Concern at Work). This body is an independent charity staffed by lawyers which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also provide advice about what legal protection may be available to you. You can visit Protect at <https://protect-advice.org.uk/> or call them on their advice line: 020 3117 2520.