

Policy name	Whistleblowing Policy
Operational from	14/09/2022
Next review date	31/08/2023
Responsible staff member(s)	Mandy Crandale (Chief Executive Officer) mandy.crandale@nsun.org.uk Aimz Rushton (Chair of the Board) aimz.rushton@nsun.org.uk
Associated policies	Complaints Policy Social Media Policy Disciplinary Policy
Privacy	External

Scope:

Whistleblowing, (also be referred to as making a protected disclosure) relates to raising a concern about wrongdoing, risk or malpractice associated with an organisation. The concern should be reasonably believed to be in the public best interest and is not in response to a personal grievance or for personal gain. The wrongdoing does not have to affect the individual making the disclosure. For issues which do not fit into this criteria reference should be made to the complaints or employee grievance procedure.

It is important that any fraud, misconduct or wrongdoing by staff, associates, trustees or anyone else representing NSUN is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with by NSUN.

We recognise that raising concerns is always difficult, and that individuals from racialised and other minoritised groups may face additional barriers in reporting concerns. NSUN wants anyone who comes in contact with our work or operations to feel able to raise concerns and this policy sets out a range of options by which you can raise a concern. It is also recognised that often those unaffected by the behaviour are often best placed to call-out an incidence of fraud, misconduct or

wrongdoing, including racism, and places particular emphasis on the responsibility of all individuals to call-out any incidences they observe.

1. Background

1.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

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

1.2 If you make a qualifying disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance (see Procedure below).

2. Principles

2.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of. Staff and others should be aware that there are many reasons why an individual affected by wrongdoing may find it hard to report the incident themselves, and there is an expectation that all staff and others working for the organisation will call out any wrongdoing they observe.

Line Managers have a crucial role to play in encouraging individuals under their supervision to report any concerns they have. Raising concerns should be a standing agenda item in all monthly supervision meetings

2.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue. See 3.2 for details as to who will investigate the concern.

2.3 No employee or other person working on behalf of the charity 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 worker will not be prejudiced because they have raised a legitimate concern.

2.4 Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.

2.5 If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.

2.6 Maliciously making a false allegation is a disciplinary offence (see Disciplinary policy)

2.7 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, you should not agree to remain silent. You should report the matter to the CEO or the Chair of the Board of Trustees.

2.8 Concerns expressed anonymously will also be taken seriously and should be passed immediately to the CEO (or to the Chair if the issue relates to the CEO) and remain confidential. The CEO or trustee to whom the concern has been raised will exercise discretions as to whether they are able to investigate the concern. This will include the seriousness of the issues raised and the likelihood of being able to confirm the allegation from attributable sources. A decision not to investigate an anonymous concern must not be made in isolation and must also be agreed by one other trustee who is not involved in the allegation.

2.9 To monitor the effectiveness of this policy, NSUN will also take steps to anonymously monitor how readily staff feel able to raise concerns on an annual basis.

3. Procedure

3.1 This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure or items which should be dealt with under the complaints policy.

3.2 Stage 1:

In the first instance, any concerns should be raised with the CEO, or one of two nominated Trustees, who will arrange an investigation of the matter promptly and confidentially. The individual with whom the concern is raised will assign an investigating officer.

If your concern involves the CEO, you should raise this concern with the Chair of Board of Trustees. If your concern involves the Chair, you should raise this concern with the CEO or one of the two named Trustees above.

The complainant should be offered the choice of the investigating officer- this may be the CEO, the Chair, or one of two nominated Trustees (Rachel Rowan Olive and Alisdair Cameron). In the event that the complainant is concerned about the investigating officer being any one of these individuals or they feel the incident would be better investigated externally they may request that the matter is investigated by an independent external investigator, who is likely to be an external HR consultant.

On receipt of a whistleblowing disclosure, the individual receiving the disclosure should take notes and pass this information as soon as possible to a designated investigating officer. The subsequent investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above.

If there is evidence of criminal activity the investigating officer should inform the Police. The investigating officer should acknowledge the concerns of the complainant in writing as soon as possible.

Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

At the earliest appropriate points during and following the investigation, the CEO will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. The CEO will also invoke any disciplinary action required. For disclosures involving the CEO these steps will be carried out by the Chair of Trustees.

NSUN will acknowledge qualifying disclosures within 5 working days of receiving them, and will aim to complete the investigation within 20 working days of receiving them. It may be necessary on occasion to extend the time limit to ensure NSUN has all the information necessary to deal with it. If this is the case NSUN will keep the individual informed of progress with the investigation, providing an update at least every two weeks, the reasons for the delay, and inform them of next steps.

3.3 Stage 2:

If after the investigation you are concerned that the investigating officer is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

3.4 Stage 3:

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body.

This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority
- The Competition and Markets Authority
- The Independent Office for Police Conduct

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014 (PDF).

The media is not a relevant external body. Individuals should not contact the media with allegations about the organisations, except in extraordinary circumstances where neither the organisations, nor the relevant regulatory body would be appropriate.

4. Data protection

4.1 When an individual makes a disclosure, we will process any personal data collected in accordance with the 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.

Contact details

Interim CEO: Jen Beardsley jen.beardsley@nsun.org.uk

Chair: Aimz Rushton aimz.rushton@nsun.org.uk

Trustee: Rachel Rowan Olive

Trustee: Alisdair Cameron

Email: info@nsun.org.uk

Please contact Jen, Aimz, or the NSUN inbox (monitored by NSUN's communications team) for the trustees' personal email addresses.

Post: **c/o Beever and Struthers, 150 Minories. London EC3n 1LS**

If you are unable to contact us in writing as above, please contact us over the phone:

Telephone: 020 7820 8982

You can contact us using your preferred method and format of communication. NSUN can signpost to appropriate support, translation or interpretation services to ensure equal access to this procedure for all. You may seek support from a relative, friend or advocate. NSUN staff should be aware and able to assist you to locate a local advocacy service should you need this assistance in order to contact us.