

Whistleblowing Policy¹

Outline Approval by EACP Trustees: 23 May 2019

Reviewed 6 February 2020

Next Review Date: May 2020

Purpose and Scope

The East Africa Children's Project (EACP) is committed to operating in an ethical, responsible and legal manner at all times. Should our employees, trustees, contractors or volunteers feel that the case is otherwise this should be brought to the attention of the Trustees and Board, without fear of reprisals and in the knowledge that they will be protected from victimisation and dismissal. In the event that the employee/trustee/contractor/volunteer feels that the response of the EACP to a significant concern is wholly inadequate, then they should reasonably report their misgivings to a responsible 3rd party. This would normally be the Charities Commission of England and Wales. The Trustees view this action positively and as a valued contribution to improving the running and transparency of the Charity and fitting within the true ethos of the Charity.

Definitions

Whistleblowing is when someone reports wrongdoing on the basis that it is in the public interest for the wrongdoing to be brought to light. This is usually something they've seen at work but not always. The wrongdoing might have happened in the past, be happening now, or be something the whistleblower is concerned may happen in the near future.

Whistleblowing is the act of reporting a failure to a higher authority. For the purposes of this policy, "staff" refers to any person working with EACP, paid or otherwise.

Wrongdoing includes (but is not limited to) the issues listed below:

- Financial wrongdoing including theft, bribery, fraud and money laundering
- A failure to comply with any legal obligations
- Sexual misconduct, including sexual abuse, harassment or exploitation (see EACP Safeguarding Policy)
- Abuse of position
- Danger to the health and safety of individuals.

Whistleblowing

The NSPCC Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation. Contact the Whistleblowing Advice Line on:

¹ This guidance draws on guidance provided by the Charity Commission (<https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities>), National Council for Voluntary Organisations (<https://www.ncvo.org.uk/practical-support/information/safeguarding>), National Society for the Prevention of Cruelty to Children (<https://learning.nspcc.org.uk/safeguarding-child-protection/>), and learning from best practice from both larger organisations (<https://www.build-africa.org/>) and smaller organisations (<https://www.livingstonetanzaniatrust.com/governance>) in the Africa Charity Sector.

- [0800 028 0285](tel:08000280285)
- help@nspcc.org.uk

Contact the Whistleblowing Advice Line if:

- your or another organisation doesn't have clear safeguarding procedures to follow
- concerns aren't dealt with properly or may be covered up
- a concern that was raised hasn't been acted upon
- you are worried that repercussions are likely to arise if you raise a concern.

This applies to incidents that happened in the past, are happening now, or may happen in the future.

Complaints and whistleblowing

If you are worried that the organisation or another organisation is not responding to or sharing child protection information appropriately, it's vital that you share your concerns to keep children safe.

Legislation across the UK ensures that you shouldn't be treated unfairly or lose your job because you 'blow the whistle' (Gov.uk, 2018).

In **England, Scotland** and **Wales**, whistleblowers are protected by law under the [Public Interest Disclosure Act 1998](#).

The Aim of the Policy

The Policy is designed to ensure that an employee/contractor/trustee/volunteer can raise their concerns about wrongdoing or malpractice within EACP without fear of victimisation, subsequent discrimination, disadvantage or dismissal and outlines routes to escalating concerns should this be necessary.

The Policy aims to:

- encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns
- provide avenues for staff to raise those concerns internally and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith
- reassure staff that their concerns will be treated in confidence and every effort will be made to maintain their anonymity if that is what they wish. However, should disciplinary or other proceedings follow the investigation, they may be asked to come forward as a witness. If they agree to this, they will be offered advice and support but it may no longer be possible to maintain anonymity. If staff wish total anonymity, it will be much harder to provide feedback or gather further information and as such it may be harder to pursue concerns.

Raising a Concern

If you have a genuine concern and have a reasonable belief it is in the public interest, even if it is later discovered that you are mistaken, under this policy you will not be at risk of losing your job or from suffering any form of retribution as a result. If you genuinely believe that

the actions of someone who works for EACP in any capacity could lead to or has resulted in malpractice, please follow the procedure below.

You should decide who is most appropriate to raise your concerns with. This could be your line manager, a Trustee, or the Chairman of the Trustees. You can raise their concern by telephone, in person or in writing and should provide the following information:

- whether anyone is at immediate risk from harm
- the nature of the concern and why you believe it to be true
- how you first became aware of the situation
- the background and history of the concern giving relevant dates, times and places of any further instances
- if applicable, who you have already spoken to about the issue and whether any action has been taken as a result

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice and there are reasonable grounds for concern.

Untrue allegations

If an employee makes an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, EACP will recognise their concern and they have nothing to fear. If, however, they make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

What action will be taken

The person who has been contacted will respond to the concerns as quickly as possible. The overriding principle will be the public interest and initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by the Trustees
- be referred to the police
- be referred to the Charity Commission

The person who has been contacted must ensure that:

- Reported incidents of theft, fraud, or corruption are sent immediately to the Board of Trustees. If an investigation is conducted, the outcome may involve taking disciplinary action if misconduct has been proved, which may include dismissal.
- Safeguarding concerns relating to sexual abuse or exploitation of children, vulnerable adults, and beneficiaries are reported to the EACP Safeguarding Lead. EACP procedures for dealing with incidents will then be followed.

- Any other incidents of malpractice in the workplace are reported to the Chair of the Trustees

Within ten working days of a concern being raised, the person investigating the concern will write to you:

- acknowledging that the concern has been received
- indicating how EACP proposes to deal with the matter
- supplying information on staff support mechanisms
- informing whether further investigations will take place and if not, why not

It is likely that you may be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged and a friend or associate may accompany you in support. EACP will do what it can to minimise any difficulties that may be experienced as a result of raising a concern.

How the Matter can be Taken Further

This Policy is intended to provide staff with an avenue within EACP to raise concerns. EACP hope staff will be satisfied with any action taken. If not, and they feel it is right to take the matter outside of EACP, then the employee should contact the following prescribed responsible 3rd party contact;

Charity Commission of England and Wales whistleblowing@charitycommission.gsi.gov.uk
Further information on how the charity commission deals with whistleblowing complaints can be found on their website <https://www.gov.uk/complain-about-charity>

If staff raise concerns outside EACP they should ensure that it is to the prescribed contacts. A public disclosure to anyone else could take the employee outside the protection of the Public Interest Disclosure Act and of this Policy.

Staff should not disclose information that is confidential to EACP except to those included in the list of prescribed contacts. This Policy does not prevent you from taking your own legal advice.

The Responsible Officer

The Chair of the Trustees has overall responsibility for the maintenance and operation of this Policy.

Recording and Monitoring of Concerns

The Chairman of the Trustee will maintain a log of all concerns that are brought to their attention and will produce an annual report summarising the concerns raised and action/s taken. The report will be anonymised. The aim of this exercise is to support EACP learning and best practice.

Review of the Policy

EACP's Trustee will review this Policy annually.

Frequently asked questions

What if my line manager is involved in the alleged malpractice in some way?

If your line manager is involved in the alleged malpractice in some way, the matter should be raised with the next senior manager in the management line or with the Board of Trustees. Concerns relating to sexual abuse or exploitation of children, vulnerable adults and beneficiaries should be reported to the relevant Safeguarding Lead.

Can the disclosure be made anonymously?

You are strongly encouraged not to make anonymous disclosures as details and further concerns cannot then be checked with you and this may seriously limit the ability of investigators to pursue your concerns. Nonetheless, all disclosures, made anonymously or otherwise, will be reviewed but lack of information may limit the nature, extent and outcome of the investigation.

Who will conduct the investigation?

Normally an independent trustee will be appointed. On rare occasions, or for complex cases such as safeguarding, external investigation support may be sought.

What if the matter involves a criminal offence?

The issue may also be reported to the police if a criminal offence, such as fraud or theft, or sexual assault has been committed.