

POLICY CONTROL

Version	Description	Date
1.1	Protected Disclosures (Whistleblowing) Policy	December 2023
Date of first issue by The Trussell Trust		January 2022
Board Approved		December 2023
For Review:		December 2025

1.1 Related policies

Version	Description	Date of Update
1.0	Grievance Procedure	
1.0	Disciplinary Procedure	

Protected Disclosures (Whistleblowing) Policy

Introduction

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity 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 workers may raise any concerns that they have and how those concerns will be dealt with.

Equalities Statement

In accordance with the Equality Act 2010, we will make any reasonable adjustment necessary to assist those with a protected characteristic or disability to make a qualifying protected disclosure under this policy. Chesterfield Foodbank is committed protecting the rights of any worker who raises a concern and will treat protected disclosures as confidential where requested, unless disclosure is required by law.

Principles

Chesterfield Foodbank is committed to the highest possible standards of openness, probity and accountability.

Workers with serious concerns about illegality, malpractice, wrongdoing or serious failures in standards of work are encouraged to come forward and voice their concerns.

This policy is intended to encourage and enable workers to raise serious concerns within Chesterfield Foodbank rather than overlooking a problem, or reporting their concerns to the appropriate appointed person without fear of reprisal.

Policy Scope

The Public Interest Disclosure Act 1998 amended the Employment Relations Act 1999 provides protection for workers who raise legitimate concerns about specified matters in the public interest.

Qualifying Disclosures

A qualifying disclosure is one made by a worker who has a reasonable belief that:

- a) A criminal offence, for example any concerns about Modern slavery or human trafficking;
- b) A miscarriage of justice, for example the automatic unfair dismissal of a colleague;
- c) An act creating risk to health and safety, for example failure to make a report under RIDDOR regulations;
- d) An act causing damage to the environment, for example failure to appropriately dispose of hazardous commercial waste;
- e) A breach of any other legal obligation; for example data protection reporting requirements, or;
- f) concealment of any of the above;

whether such an act, is being, has been, or is likely to be, committed.

Workers are entitled to fair and reasonable treatment from their colleagues, managers and the organisation. If a worker's disclosure concerns any aspect of his or her employment with Chesterfield Foodbank, s/he must make use of the organisation's Grievance Procedure.

Protected Disclosure

In order to be a 'protected disclosure', the qualifying disclosure must be made in good faith and to:

- Chesterfield Foodbank, either directly via their line manager or in accordance with this policy and procedures.
- Another person whom the worker reasonably believes to be solely or mainly responsible for the relevant failure.
- An appointed person (including statutory body) authorised for that purpose. For example, the Charity Commission.

It is not necessary to demonstrate proof - a reasonable belief is sufficient. It is the Chesterfield Foodbank's responsibility to ensure that an investigation takes place. Chesterfield Foodbank will ensure that no worker suffers detriment for having raised a concern in good faith, unless it is later proved that the information provided was false to his or her knowledge at the time of making the disclosure. If, however, a worker makes malicious or vexatious allegations, disciplinary action may be taken.

Reporting Procedure

- a) In the first instance a worker should raise their concerns with their **Line Manager** who will initiate an investigation of the matter.
- b) If a person does not feel able to raise the concern with their **Line Manager**, then they can raise the matter directly with the **Chair of Trustees**.
- c) The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the Sections 3-4 Principles and Scope set out above. Your statement will be taken into account, and you may be asked to comment on any additional evidence obtained.
- d) All statements and any information recorded must:
 - Be accurate
 - Specific all relevant facts
 - Detail of the grounds for concern
 - Consideration as to how the matter meets the definition of a “qualifying protected disclosure” (as set out in 4.1-2 above)

Internal Investigation

- a) The person in receipt of a disclosure must report concerns as soon as possible to the **Chair of Trustees**.
- b) The **Chair of Trustees** nominates a member of the trustees board responsible for People and Inclusion to act on their behalf in responding to and investigating protected disclosures, including referring the matter appropriate statutory authorities like the police. Where necessary liaising with the Company Secretary to refer the matter to the appropriate appointed person, for example The Charity's Commission.

- c) On receipt of a protected disclosure the **Trustee responsible for People and Inclusion** will provide to the person making the disclosure:
 - i) A copy of this policy
 - ii) Information about how and by whom the disclosure will be handled;
 - iii) An estimate of how long the investigation will take;
 - iv) On completion of the investigation, subject to any legal constraints, information regarding any outcome;
- d) Where a person fears that they will suffer a detriment, or that their concern will not be listened to by the organisation, the person must report this to **the Trustee responsible for People and Inclusion**. The organisation will sanction any employee who subjects an individual to detriment because he/she has raised a concern, in line with the organisation disciplinary procedures.
- e) In the event that a person is dissatisfied with the response given on the outcome of any investigation, s/he may refer the matter directly to the **Board of Trustees** who may authorise one of the Members of the Board to carry out a further investigation into the matter and submit a written report thereon to the Board.

Raising Concerns outside the organisation

- a) Workers are encouraged to exhaust the internal procedure outlined above and raise concerns within the organisation.
- b) In certain circumstances a worker may believe it to be appropriate to divulge information to an external source. In such circumstances, the worker should have regard to the terms of the Public Interest Disclosure Act, in particular, with regard to whether or not their disclosure would be 'protected'.
- c) Workers may wish to seek legal advice on the matter.
- d) You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Governance

Recording keeping and confidentiality

Every effort will be made to ensure that, where requested, confidentiality is maintained for all parties concerned, both when a protected disclosure is made and whilst it is being investigated, unless disclosure is required by law.

All records will be written, stored and destroyed with due regard for confidentiality and in line with the Chesterfield Foodbank's Personal Data Retention Schedule and in adherence with

Data Protection legislation. Staff and volunteers will be trained and supported to maintain and store accurate records.

Disclosures and any investigation reports will be stored by the **Chair of Trustees**, with restricted access, away from personnel files.

Where incidents that have resulted in (or risk) significant harm to beneficiaries, employees, or organisation's reputation, the **Chair of Trustees** will communicate with the Board of Trustees who, with the Company Secretary may be required to be report the incident to the charities regulator as a Serious Incident Report.

Monitoring and Audit

The role of the **Trustee responsible for People and Inclusion** is to investigate the protected disclosure and share any investigation reports with the **Chair of Trustees**, and where appropriate the police. The **Trustee responsible for People and Inclusion** is also responsible for ensuring the organisation keeps appropriate records of any disclosures and investigations as part of ensuring the policy is fit for purpose and kept under continual review. The **Chair of Trustees**, with the **Board of Trustees** are responsible for to oversight of this policy and will conduct periodic audits of the effectiveness of the whistleblowing arrangements, to include at least:

- a) A record of the number and types of concerns raised and the outcomes of investigations;
- b) Feedback from individuals who have used the arrangements; including any complaints of victimisation;
- c) any complaints of failures to maintain confidentiality;
- d) a review of other existing reporting mechanisms, such as fraud, incident reporting or health and safety reports;
- e) a review of other adverse incidents that could have been identified by staff (e.g. complaints, publicity or wrongdoing identified by third parties);
- f) a review of any relevant litigation; and
- g) a review of staff awareness, trust and confidence in the arrangements.

The policy and procedure will be reviewed every two years or if legislation changes.