

Organisation	St Giles Trust
Title	Whistleblowing Policy and Procedures
Author	Stellamaris Mohammed
Owner	Human Resources
Subject	Whistleblowing
Protective Marking	Official

	Contents	Page
1.0.	Policy Statement	2
2.0.	Application and Scope	2-3
3.0.	Legislation and Compliance	3
4.0.	Roles and Responsibilities	3-4
5.0.	Procedure for Raising a Concern Internally	4
5.1.	What Should Be Reported	4
5.2.	Protecting the Whistle-blower	4
5.2.1.	Your Legal Rights	4-5
5.2.2.	Harassment or Victimisation	5
5.2.3.	Supporting the Worker	5
5.2.4.	Confidentiality	5
5.2.5.	Anonymous Allegations	5-6
5.2.6.	False Allegations	6
5.3.	How to Raise a Concern Internally	6
5.3.1.	Step One	6-7
5.3.2.	Step Two: How St Giles Trust Will Handle the Matter	7-8
5.3.3	Step Three: Likely Outcomes of the disclosure	8-9
5.3.4.	Step Four: If You Are Dissatisfied	9
6.0.	Procedure for Raising a Concern Externally	9-10
7.0.	Independent Advice	9-10
8.0.	Document Control	11

1. POLICY STATEMENT

St Giles Trust is an organisation committed to its people and its clients. We are driven by our Mission and values and are committed to the highest possible standards of openness, probity, and accountability within our organisation.

In line with this commitment, we encourage staff (employees, volunteers, and contractors) to:

- Be vigilant
- Inform the organisation of any legitimate concerns about any aspect of work at St Giles Trust

Whistleblowing is the term used for the reporting by staff of suspected misconduct, illegal acts or failure to act within the organisation. St Giles Trust's Whistleblowing policy is intended to enable those who become aware of such wrongdoing (which affects some other person or service) to report their concerns at the earliest opportunity, so that it can be properly investigated.

Whistleblowing is viewed by St Giles Trust as a positive act that can make a valuable contribution to the organisation achieving the high standards that it seeks as well as ensuring management accountability and the maintenance of good practice across the organisation. It is not disloyal to colleagues or St Giles to speak up.

If you are considering raising a concern, you should read this policy first. It explains:

- The type of issues that can be raised under this policy
- How to go about raising a concern
- What St Giles Trust will do

This policy and procedure are designed to ensure that staff can raise legitimate concerns about wrongdoing within St Giles Trust without fear of victimisation, subsequent discrimination, disadvantage, or dismissal.

It is intended to encourage and enable staff to raise serious concerns within St Giles Trust instead of ignoring the problem or 'blowing the whistle' outside the organisation. St Giles Trust encourages staff to raise concerns rather than waiting or attempting to find proof themselves.

2. APPLICATION AND SCOPE

This Whistleblowing Policy is for the use of all:

- Employees and volunteers at St Giles Trust.
- Employees of contractors working for St Giles Trust, for example, agency staff
- Employees of St Giles suppliers
- Those providing services under a contract or other agreement with St Giles Trust

(Hereafter all above will be referred to as workers.)

The Whistleblowing policy is not intended to replace the following policies:

- If your concern relates to your own treatment as an employee (a personal grievance or complaint at work), you should raise it under the existing Resolution (**Grievance**) policy or the **Bullying and Harassment policy**.
- **If your concerns are about Safeguarding Concerns or allegations**
- If a client has a concern about services provided to him/her, it should be raised as a **Complaint** with St Giles Trust.

3. LEGISLATION AND COMPLIANCE

This policy complies with the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

Whistleblowing is defined as when a worker passes on information concerning wrongdoing (sometimes referred to as “making a disclosure” or “blowing the whistle”). The wrongdoing will typically, although not necessarily, be something they have witnessed at work.

To be covered by the legislation concerning whistleblowing, a worker making a disclosure must reasonably believe two things:

1. The first is that they are acting in the public interest. This means the matter they are disclosing must affect others, e.g., the public. The worker will be protected if they honestly believe that what they are reporting is true and that they are reporting to the right person. Thus, personal grievances and complaints are not usually covered by the whistleblowing legislation and are not covered by St Giles Trust Whistleblowing policy.
2. The second is that they must reasonably believe that the disclosure shows past, present, or likely future wrongdoing falling into one or more of the following categories:
 - that Criminal offences (this may include, for example, financial impropriety such as fraud)
 - Failure to comply with an obligation set out in law
 - Miscarriages of justice
 - Endangering someone’s Health and Safety
 - Damage to the Environment
 - Covering up wrongdoing in the above categories

4. ROLES AND RESPONSIBILITIES

The whistleblowing policy is a key part of St Giles Trust governance structure, and it is designed to encourage our **workers** to come forward raise their concerns without fear of reprisals **Executive Team/Senior Management Team / Head of Services /Front Line Managers/ Team Leaders** have a responsibility to facilitate the operation of this policy and to ensure that workers feel able to raise concerns without fear of reprisals in accordance with this policy.

Workers are responsible for the success of this policy and should disclose to St Giles Trust any wrongdoing or malpractice that they become aware of.

If you have any questions about the content or application of this policy, you should contact the HR Department.

5. PROCEDURE FOR RAISING A CONCERN INTERNALLY

5.1. What should be reported

Any serious concerns that you may have about service provision and the conduct of Trustees, St Giles Trust staff or others acting on behalf of the organisation which:

- Make you feel uneasy because they do not meet known standards
- Are not in keeping with St Giles policies
- Fall below established standards of practice
- Are improper behaviour

These might relate to:

- Conduct which is an offence or a breach of the law (a criminal offence or failing to comply with a legal obligation)
- Miscarriages of justice
- Racial, sexual, disability or other protected characteristic discrimination
- Sexual physical or verbal abuse of our clients, employees or public
- Inappropriate sexual relationships between a member of staff or volunteer and any person who access our services
- Health and safety of the public and/or other workers
- Malpractices that seriously affects the quality-of-service provision or puts organisation reputation at risk.
- Services that fall seriously below approved standard or practice
- Fundraising practices or a fundraiser's unreasonable behaviour which may include using pressure, misleading or excessive request, and not considering the need of any potential donor who may be in a vulnerable circumstance or require additional care and support to make an informed decision
- A breach of Code of Conduct and Professional boundaries policy and procedures
- Damage to the environment
- Unauthorised use of St Giles Trust funds or other assets
- Potential fraud and/or corruption
- Neglect or abuse of clients

- Other unethical conduct
- Concealment of any of the above.

This list is not exhaustive.

5.2. Protecting the Whistle-blower

5.2.1. Your Legal Rights

The Public Interest Disclosure Act 1998 protects workers making disclosures about certain matters of concern when these disclosures are made in accordance with the Act's provisions and in the public interest (see section on Legislation and Compliance),

The Act makes it unlawful for an employer to dismiss anyone or allow them to be harassed or victimised because they have made an appropriate lawful disclosure in accordance with the Act.

There may be occasions when “the whistle-blower” has participated in the action causing concern. In those circumstances, it is in the worker's interest to disclose this as soon as possible. St Giles Trust cannot promise not to act against the worker, but the fact that they came forward may be considered.

5.2.2. Harassment or Victimisation

St Giles Trust is committed to good practice and high standards as well as being supportive of you as a worker. St Giles Trust recognises that the decision to report a concern can be difficult. If you honestly and reasonably believe that what you are saying is true and in the public interest, you have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

St Giles Trust will not tolerate any harassment or victimisation of a whistle-blower (including the informal exertion of pressure) and will take appropriate action to protect a worker when they raise a concern in good faith. Any harassment or victimisation will be treated seriously and will be dealt with under the disciplinary procedure.

5.2.3. Supporting the Worker

Throughout this process:

- You will be given full support from senior management
- Your concerns will be taken seriously
- St Giles Trust will do all it can to help you throughout the investigation

If appropriate, St Giles Trust will consider temporarily re-deploying you for the period of the investigation.

For those who are not St Giles Trust employees, St Giles Trust will endeavour to provide appropriate advice and support wherever possible.

5.2.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. However, there are times when we cannot guarantee confidentiality for example where a criminal offence is involved or if there are child protection or adult safeguarding issues.

If disciplinary or other proceedings follow the investigation, it may not be possible to act because of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

5.2.5. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are, it will be much more difficult for us to protect you or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are less powerful, but they may be considered at the discretion of St Giles Trust. In exercising this discretion, the factors considered include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from other sources

5.2.6. False Allegations

If you make an allegation in good faith and reasonably believe it to be true, but the allegation is not proven by the investigation, St Giles Trust will recognise your concern and you have nothing to be worried about.

If, however, you make an allegation frivolously, maliciously, vexatiously, in bad faith or for personal gain, appropriate action which may include disciplinary action will be taken.

5.3. How to Raise a Concern Internally

5.3.1. Step One

If you have a concern, it is hoped that you will be able to raise it first with your line manager or their manager, where appropriate. This may be done orally or in writing. You must state that you are raising your concern under the Whistleblowing Policy. You will need to provide the following information:

- The nature of your concern and why you believe it to be true
- The background and history of the concern (giving relevant dates).

You should also specify whether you wish your identity to be kept confidential so that appropriate arrangements can be made.

If you feel unable to raise the matter with your manager or their manager, for whatever reason, please raise the matter with:

Executive Director of Services

St Giles Trust
64-68 Camberwell Church Street
London SE5 8JB
Tel: M: 07717 818 487

Or

Executive Director of People and Culture

St Giles Trust
Same address as above,
Tel: M: 0752 512 8597

If either of the above channels has been followed and you still have concerns, please state clearly in writing what your further concerns are within 5 working days of the receipt of the response to your complaints by contacting:

The Chief Executive

St Giles Trust
Same address as above
Tel: 020 708 8001 or M: 07956 182151

5.3.2. Step Two: How St Giles Trust Will Handle the Matter

Once you have told us of your concern, we will investigate it to assess initially what action should be taken. You may be asked how you think the matter raised might be best resolved. If you do have any personal interest in the matter, St Giles Trust asks that you state that at the outset. If your concern falls more properly under the Grievance policy, Safeguarding Children and Adult Policies, Managing Allegation of Abuse Policy, or another of St Giles Trust policy, you will be informed of this.

An informal or formal investigation will be carried out. You will be told who is handling the matter, how you can contact them and whether further assistance may be needed. If requested, we will write to you summarising your concern and setting out how we propose to handle it.

Before commencing an investigation, the manager carrying out the investigation must inform:

- **Andy Cross** –Executive Director of Services (Lead Designated Safeguarding Officer) where there is a concern raised around safeguarding of staff/clients
- **Malcolm Walker**- Executive Director of Finance & Resources where there is a concern raised around financial fraud/Health and Safety matters

- **Katy Vaughn** - Executive Director of Fundraising and Communications where there's concerns raised about Fundraising/ EDI matters

All parties involved in the investigation including the whistle-blower are required to maintain **confidentiality** throughout the process and may be accompanied to formal meetings.

You may invite your professional association representative (if applicable), trade union representative (if applicable) or a colleague to accompany you for support during any meeting or interview in connection with the concerns raised.

Support is available for all parties involved in an investigation from their line manager, the HR Department, and **the Employee Assistance Programme (EAP) is available 24 hours a day, 7 days a week, 365 days a year. You can contact EAP via telephone on 0800 243 458, by e-mail at assistance@workplaceoptions.com or at their website www.workplaceoptions.com (Username: stgiles Password: employee)**

Whilst the purpose of this procedure is to enable St Giles Trust to investigate possible wrongdoing and take appropriate steps to deal with it, we will give the person raising the concern as much feedback as we properly can.

If requested, St Giles Trust will confirm our response to the person raising the concern in writing. Please note, however, that we may not be able to tell you the precise action St Giles Trust has taken where this would infringe a duty of confidence owed by us to someone else or if there is a conflict of interest.

If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatiously, in bad faith and/or with a view to personal gain, the person raising the concern may be subject to disciplinary action.

Those choosing to make a disclosure without following this procedure or anonymously may not receive the protection as outlined in the section **protecting the Whistle-blower**.

5.3.3. Step Three: Likely Outcomes from the disclosure

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.

- Advice only
- No action required
- Action taken under another of St Giles Trust policy /procedure
- An internal investigation under this policy
- A referral to the police if a criminal matter -Concerns relating to criminal conduct, if the matter is referred to the police, advice will be sought from the police to establish if a simultaneous internal investigation can be conducted, and whether they consent for the subject of the complaint to be informed of the allegations
- A Safeguarding referral to Children or Adults Services

- A referral to NSPCC’s external auditors
- A referral to the Charity Commission
- The subject of an independent enquiry

5.3.4. Step Four: If You Are Dissatisfied

If you are unhappy with our response, you can go to a manager at the next level as set out in Step one, session c. The manager at the next level will then meet with you to clarify why you are dissatisfied, review the original investigation and findings as well as carry out further investigation, as required, before responding to your concern.

If you are still dissatisfied following the response of this manager, you may choose to approach Public Concern at Work or if applicable, your union as detailed in the next section.

While St Giles Trust cannot guarantee that the response to the concerns raised will be as the person raising the concern wanted, St Giles Trust will try to handle the matter fairly and properly. By using this procedure properly and effectively, you will help us to do this.

6. PROCEDURE FOR RAISING A CONCERN EXTERNALLY

St Giles Trust Whistleblowing policy and procedure is intended to provide you with an avenue for raising concerns of wrongdoing within St Giles Trust. St Giles Trust hopes you will be satisfied with any action taken.

If you are not, and you feel it is right to take the matter outside the organisation, we recognise that it may be appropriate for you to report your concerns to an external body, such as a regulator. The Government has prescribed a list of appropriate bodies for such external reporting, for example the Environment Agency or the Health and Safety Executive.

A full list is available from an independent charity called Public Concern at Work now known as Protect, who can be contacted by telephone on the Whistleblowing Advice Line: 020 3117 2520, by e-mail at whistle@protect-advice.org.uk. Please refer to the Public Concern at Work website for further information.

7. INDEPENDENT ADVICE

If you are unsure whether to use this policy or want independent advice at any stage, you may contact:

- If applicable, your union

- The independent charity Public Concern at Work now known as Protect, www.pcaw.org.uk, tel: 020 31172520, or Email: whistle@protect-advice.org.uk. Their lawyers can give you free confidential advice at any stage about how to raise a concern about wrongdoing at work.

8. DOCUMENT CONTROL

This policy needs to be formally reviewed on a regular basis.

The current version of this Policy, together with its previous versions, shall be recorded below.

Version	Description	
1.0	Date Live:	May 2008
	Version Notes:	Policy Created
	Reviewed by:	Victoria Bryan
	Approved by:	Malcolm Walker
1.1	Date Live:	May 2015
	Version Notes:	
	Reviewed by:	Victoria Bryan
	Approved by:	Malcolm Walker
1.2	Date Live:	December 2019
	Version Notes:	Policy Revised to include internal & external reporting of public concerns. Next review December 2020
	Reviewed by:	Stellamaris Mohammed
	Approved by:	Malcolm Walker
1.3	Date Live:	December 2020
	Version Notes:	December 2021
	Reviewed by:	Stellamaris Mohammed
	Approved by:	Malcolm Walker
1.4	Date Live:	March 2023
	Version Notes:	Revised to include comments from NSPCC consultant
	Reviewed by:	Stellamaris Mohammed
	Approved by:	Malcolm Walker