

Whistleblowing Policy and Procedure

Organisation	St Giles Trust
Title	Whistleblowing Policy and Procedure
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Subject	Whistleblowing
Protective Marketing	Internal

DOCUMENT CONTROL

This policy needs to be formally reviewed every 3 years and when there are substantial legislative changes.

The current version of the policy, along with previous versions, shall be recorded below.

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	Reviewed by	Victoria Bryan
	Approved by	Malcolm Walker
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	Version Notes	Reviewed to streamline the process and be more explicit in terms of scope and purpose.
	Reviewed by	Olivia da Costa Dias
	Approved by	Francis Ajala and the Board of Trustees
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1. INTRODUCTION

At St Giles Trust we are committed to creating and maintaining an environment where honesty and integrity are paramount. We recognise that our success and reputation are grounded in the trust and confidence of our stakeholders, including beneficiaries, donors, employees, and volunteers. This Whistleblowing Policy is designed to reinforce our commitment to ethical conduct by providing a safe and confidential avenue for reporting any concerns regarding misconduct or unethical behaviour. We encourage everyone associated with our organisation to speak up about any issues that might threaten our mission or integrity.

2. RESPONSIBILITY

The Executive Director of People is responsible for the policy, procedure, and all associated templates used in administering this process. This includes timely and accurate record keeping through the appropriate systems.

The Executive Director of People will ensure this policy is reviewed on a three yearly cycle.

The Board of Trustees is responsible for the approval of this policy and procedure.

3. PURPOSE

The purpose of this Whistleblowing Policy is to:

- Provide a clear and confidential process for reporting concerns about misconduct, illegal activities or unethical behaviour within the organisation
- Ensure that all reports are taken seriously and investigated promptly and fairly
- Protect whistleblowers from retaliation and ensure their safety and confidentiality
- Promote transparency, accountability, and ethical behaviour within St Giles Trust

- Maintain the trust and confidence of our stakeholders by addressing and resolving concerns effectively and efficiently

4. POLICY STATEMENT

St Giles Trust is dedicated to upholding the highest standards of integrity, transparency, and ethical behaviour. We are committed to fostering a culture where employees, volunteers, and other stakeholders feel safe and supported in reporting concerns about suspected wrongdoing. All reports will be treated seriously and investigated promptly and fairly. We ensure protection against retaliation for those who report concerns in good faith and will take appropriate actions to address and rectify any issues identified.

5. SCOPE

This policy applies to:

- 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.)

Individuals considering raising a concern 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

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

- Grievance Policy
- Bullying and Harassment
- Zero Tolerance

- Safeguarding Policy

If a client has a concern about the services they are receiving, this should be raised as a complaint.

6. DEFINITIONS

- **Whistleblowing:** The act of reporting suspected wrongdoing, including but not limited to fraud, corruption, unethical behaviour, or legal violations, within the organisation. If an individual is asked to do something, or is aware of the actions of others, which they consider to be wrong, illegal, have the potential to endanger others or breach SGT values etc, they should raise a concern using the procedures set out in this document. The issue must be something that affects a wider group such as work colleagues, customers or the general public
- **Whistleblower:** A person who reports suspected wrongdoing in good faith.
- **Good Faith:** Reporting concerns with a genuine belief that the information disclosed is true and constitutes misconduct.

7. 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:
 - 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

8. DUTIES

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 there are any questions about the content or application of this policy, contact the People Team.

9. 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 accesses 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(s), 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
- Other unethical conduct
- Concealment of any of the above

This list is not exhaustive.

Individual complaints, grievances or concerns are not covered by this policy and should be addressed using the appropriate policy.

10. PROCEDURE FOR REPORTING INTERNALLY

Route 1

Individuals should raise their concern with their manager in the first instance. This must be done in writing, and must include the following:

- The nature of the concern and why it is credible
- The background and history of the concern, including any relevant dates
- If the individual has any personal interest in the allegation
- If the individual wishes to maintain confidentiality so appropriate measures can be put in place

Managers should then escalate the concerns to their manager who will be able to liaise with senior leadership regarding the allegation/concern raised.

Route 2

Individuals who feel that they cannot raise the issue with their manager, or their managers manager, should contact the People Team, with the information detailed above, who will be able to support.

What happens next?

Initially, St Giles Trust will ascertain that the allegation falls within the remit of this policy. Where it may fall under a different policy, the manager or People Team will liaise with the individual to help them raise their concerns using the appropriate policy.

St Giles Trust will investigate any allegations made through the Whistleblower Policy thoroughly. The individual will be informed of who is handling the matter and how they can be contacted. Where needed, members of the Executive Team will be involved in the investigation. All parties, including the whistleblower, are expected to maintain confidentiality at all times, though individuals involved have the right to be accompanied to any formal meetings. Any breaches of confidentiality could result in a separate investigation and may lead to disciplinary actions being taken against the individual (s) who have breached confidentiality.

Whilst the purpose of this procedure is to enable St Giles Trust to investigate possible wrongdoing and deal with it appropriately, where possible feedback/updates will be given to the whistleblower.

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 Protections to the Whistleblower.

11. PROTECTIONS TO THE WHISTLEBLOWER

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 whistleblower” 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.

Harassment or Victimisation

St Giles Trust is committed to good practice and high standards as well as being supportive of any individual who blows the whistle. St Giles Trust recognises that the decision to report a concern can be difficult.

If the individual honestly and reasonably believes that what they are saying is true and in the public interest, they have nothing to fear because they will be doing their duty to their employer, colleagues and those for whom the organisation is providing a service. St Giles Trust will not tolerate any harassment or victimisation of a whistleblower (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.

Supporting the worker

Throughout this process, individuals will be:

- Supported by their managers and senior management
- Taken seriously throughout the process
- Supported throughout the process, including redeployment if appropriate

Individuals not employed by St Giles Trust will be given the appropriate advice and support wherever possible.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the individual who has raised the concern if they so request. 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 without help, so individuals may be asked to come forward as a witness. Those who agree to this will be offered advice and support.

Anonymous Allegations

This policy encourages individuals to put their name to allegations whenever possible. If we do not know who has raised the issue it becomes more difficult to offer advice, guidance, and provide 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

False Allegations

If an allegation is made in good faith and the individual reasonably believes it to be true, but the allegation is not proven by the investigation, St Giles Trust will recognise the concern and there is nothing to be worried about. If, however, an individual makes an allegation frivolously, maliciously, vexatiously, in bad faith or for personal gain, appropriate action will be taken.

12. POTENTIAL OUTCOMES

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

13. APPEALS

If the whistleblower is unhappy with our response, they can go to a manager at the next level as set out in Route 1. The manager at the next level will then meet with them to clarify why they are dissatisfied, review the original investigation and findings as well as carry out further investigation, as required, before responding to any concerns raised.

If the individual is still dissatisfied following the response of this manager, they may choose to approach Public Concern at Work or if applicable, their union as detailed in the Procedure for reporting externally.

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 handle the matter fairly and properly.

14. PROCEDURE FOR REPORTING EXTERNALLY

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

If they are not, we recognise that they may feel it is appropriate to take the matter outside the organisation. 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.

15. INDEPENDENT ADVICE

For independent advice on when and how to use this policy, individuals can contact:

- Their 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

[advice.org.uk](https://www.advice.org.uk). Their lawyers can give free confidential advice at any stage about how to raise a concern about wrongdoing at work.