

# Whistleblowing Policy

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## 1. Introduction

Nyankonton Trust Foundation always conducts its business with the highest standards of integrity and honesty. It expects all its employees and volunteers to maintain the same standards in everything they do. It is important to Nyankonton Trust Foundation that any fraud, misconduct or wrongdoing by employees or volunteers of the Organisation is reported and properly dealt with. Nyankonton Trust Foundation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or how the business is run. This policy sets out how individuals may raise any concerns that they have and how those concerns will be dealt with.

## 2. Aim

This policy aims to:

- enable and encourage employees and volunteers to raise genuine concerns about possible wrongdoing at work without fear of reprisal and to reassure workers that such matters will be dealt with seriously and effectively by Nyankonton Trust Foundation internally.
- allow Nyankonton Trust Foundation to act against any employee or volunteer who makes an allegation in bad faith and/or publicly discloses information when it is unreasonable for them to do so in line with the Nyankonton Trust Foundation Disciplinary & Grievance Policy and Procedure.

It is particularly important to state that this policy is separate from Nyankonton Trust Foundation's Disciplinary & Grievance Policy and Procedure, which relates to general concerns which an employee may have about their circumstances. This Whistleblowing Policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to management's attention. These may not necessarily be related to the whistle-blower's area of work.

## 3. Application

This policy applies to all Trustees, management, employees, permanent or temporary, or volunteers at Nyankonton Trust Foundation.

## 4. The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 is to protect employees and volunteers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee or volunteer who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, e.g., theft, fraud or malpractice);
- 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 the employee or volunteer to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The employee or volunteer has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

An employee or volunteer who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised because he/she has made a disclosure.

Nyankonton Trust Foundation encourages employees and volunteers to raise their concerns under this procedure in the first instance. If an employee or volunteer is not sure whether to raise a concern, he/she should discuss the issue with his/her line manager or coordinator.

## 5. Procedure

### 5.1 Who to disclose to

**5.1.1** In most cases, an employee or volunteer should raise any concerns they may have internally within Nyankonton Trust Foundation. Any matters not covered by the Act or, therefore, this policy, will be dealt with by using Nyankonton Trust Foundation's Disciplinary & Grievance Policy and Procedure or Bullying and Harassment Policy (as appropriate).

**5.1.2** If appropriate, an employee or volunteer should discuss their concerns with their line (manager or coordinator). An informal approach to the line manager will be treated in the strictest confidence. It will not result in a report to anyone within Nyankonton Trust Foundation without the employee's or volunteer's agreement, except where the line manager believes that the issues raised are so serious that further action may be required. Where this is the case, the line manager or coordinator will refer it to a member of the management team / Board of Trustees)

**5.1.3** If an employee feels it is inappropriate to raise their concerns with their line manager or coordinator in the first instance (for example, if their concerns are about their line manager's actions or if they are so serious that they should be escalated to someone at a more senior level within Nyankonton Trust Foundation then they should speak to the member of the management team / Board of Trustees in the first instance instead. All such approaches will be treated in strictest confidence. They will not result in a report to anyone within Nyankonton Trust Foundation without the employee's or volunteer's agreement except where the Trustee believe that the issues raised are so serious that further action may be required.

**5.1.4** If the employee or volunteer remains unhappy about the speed or conduct of any further action taken or how their concerns have been resolved, they should refer the matter to the Chair of the Board of Trustees of Nyankonton Trust Foundation.

**5.1.5** If an employee feels it is inappropriate to raise their concerns directly with anyone who is part of the day-to-day management of Nyankonton Trust Foundation, then they are at liberty to contact the Chairman of the Board of Trustees of Nyankonton Trust Foundation by writing to them **c/o 17 Glasslaw Road, Southampton, SO18 5PE, United Kingdom** and marking the envelope Personal and Confidential. The envelope will then be forwarded unopened, and the approach will be treated in the strictest confidence. The Chairman will then appoint the most appropriate board member to investigate.

**5.1.6** An employee or volunteer must not approach individuals involved in their disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

**5.1.7** Nyankonton Trust Foundation would urge employees and volunteers to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external person or body. The legislation sets out several bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Charity Commission;
- the Health and Safety Executive; and
- the Environment Agency.

**5.1.8** Disclosures to the press will not be considered reasonable. They will constitute misconduct and will be treated as a disciplinary matter under Nyankonton Trust Foundation 's Disciplinary & Grievance Policy and Procedure.

## **5.2 Dealing with disclosures**

**5.2.1** If an employee or volunteer reports a disclosure to Nyankonton Trust Foundation the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented.

**5.2.2** Nyankonton Trust Foundation believes that all employees and volunteers should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If contrary to this policy, they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, i.e. it may not be possible to protect unidentified people

**5.2.3** The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of

the following:

- No action required.
- Action being taken under other Nyankonton Trust Foundation policies and/or procedures.
- An internal investigation under this policy.
- A referral to the police.
- A referral to Nyankonton Trust Foundation 's external auditors.
- A referral to the Charity Commission.
- An independent enquiry.

**5.2.4** The responsible person to whom the disclosure is made will:

- Make a detailed record of the disclosure.
- Ask the employee or volunteer to provide a written statement describing the precise nature of the allegations.
- Upon receipt of the written statement, decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the employee within five working days of making that decision. In their letter, they will acknowledge receipt of the complaint, provide information on who it has been referred to and details of who the employee should contact if they have any further questions.

**6.1** Where further action is required under this policy concerning an employee's or volunteer's complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigator will be a member of the management team or a trustee of Nyankonton Trust Foundation (as appropriate on a case-by-case basis). However, Nyankonton Trust Foundation may

instead decide to arrange for a suitably qualified independent professional to undertake the investigation.

**6.2** During the investigation, the employee or volunteer who reported the disclosure may need to be called upon for an interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.

**6.3** Once the investigation is complete:

- The employee will be given a prompt and thorough explanation about the result of the investigation and any action Nyankonton Trust Foundation is likely to take because of it.
- As any allegation under this policy should be reviewed by the (member of the management team OR Board of Trustees)
- Any action which the investigator decides is required will be taken.

**6.4** Nyankonton Trust Foundation recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission. Where this is necessary, Nyankonton Trust Foundation reserves the right to make such a referral without the reporting employee's or volunteers' consent.

**6.5** Any employee or volunteer who has a genuine reason for their disclosure should feel confident in bringing forward their concerns.

**6.6** Nyankonton Trust Foundation will not tolerate any employee or volunteer being subjected to a detriment because they made a disclosure in good faith. If any employee or volunteer believes that they have been subject to a detriment by anyone within Nyankonton Trust Foundation for this reason, they must inform the Chairman of the Board of Trustees immediately and appropriate action will be taken to protect them from any reprisals.

**6.7** If anyone should try to discourage an employee or volunteer from coming forward to express a genuine concern, Nyankonton Trust Foundation will treat this as a disciplinary matter. In the same way, the organisation will deal severely with anyone who criticises or victimises an employee or volunteer and otherwise subjects them to a detriment for raising a concern.

**6.8** However, if it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another employee), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with Nyankonton Trust Foundation's Disciplinary & Grievance Policy and Procedure.

**6.9** Any employee or volunteer who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.