

<b>Whistle Blowing Policy (HR_P10)</b>	
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<b>Policy owner:</b> Business Support Manager	
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<b>Signed:</b> _____	
<b>Print name:</b> _____	
<b>Position:</b> Chairman	
<b>Reviewed:</b> Sept 2017 (C/259)	<b>Amendments:</b> To reflect changes in the Code of Fundraising Practice

## POLICY STATEMENT

- 1.1 Whistle-blowing is where an employee or volunteer raises concerns about underhand or illegal practices within the workplace. This includes the Trust's fundraising activities in accordance with the Code of Fundraising Practice.
- 1.2 The Trust, at all times, conducts its business with the highest standards of integrity and honesty. It expects all employees and volunteers to maintain the same standards in everything they do. Employees and volunteers are therefore encouraged to report any actions by Trust staff, trustees or volunteers and those of any third party they believe fall short of these business principles.
- 1.3 The Trust is committed to maintaining an open culture with the highest standards of honesty and accountability where any legitimate concerns can be reported in confidence. All cases of malpractice will be taken seriously.
- 1.4 The Trust will not treat an individual detrimentally if they honestly and reasonably believe that underhand or illegal practices are taking place, and will protect them from victimisation, harassment or bullying occasioned as a result of the disclosure. Any reprisal or similar action taken against them after making a protected disclosure under this policy may be regarded as gross misconduct by an employee and may result in disciplinary action being taken.
- 1.5 The Trust recognises that employees and volunteers may not always feel comfortable about discussing their concerns internally, especially if they believe that senior individuals are responsible for the wrongdoing. The aim of this policy is to ensure that employees and volunteers are confident that they can raise any matter with the Trust that concerns them in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them.
- 1.6 Where employees or volunteers have concerns or questions relating to any of the following, they should report their concerns immediately to the Chief Executive:
  - A criminal offence
  - A failure to comply with a legal obligation



**Herts and  
Middlesex**

**Grebe House  
St Michael's Street  
St Albans  
Hertfordshire  
AL3 4SN**

Tel: (01727) 858901  
Email: [info@hmwt.org](mailto:info@hmwt.org)  
[www.hertswildlifetrust.org.uk](http://www.hertswildlifetrust.org.uk)

Chief Executive: Lesley Davies



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President  
Sir Simon A Bowes Lyon, KCVO

- A miscarriage of justice
- Danger to health and safety
- Danger to the environment
- Breach of contract
- Negligence on the part of the Trust
- Financial conduct of the Trust or any of its employees or volunteers
- Concerns regarding safeguarding children or vulnerable adults
- Deliberate concealment of information relating to the above.
- Actions which adversely affect the Trust's reputation

- 1.7 If an employee fails to notify the Trust of any of the above it may be regarded as misconduct.
- 1.8 In certain circumstances where an employee or volunteer is concerned about wrongdoings or failures they can make disclosures externally to certain prescribed persons or bodies.
- 1.9 However if an employee does this without notifying the Trust first without good reason it may be considered misconduct – if the Trust is unaware of an issue it is unable to act expediently, therefore an employee should follow the procedures under this policy in the first instance.
- 1.10 For specific information relating to fraudulent activity, our Fraud Policy is available from our Business Support Manager.
- 1.11 The Trust keeps a record of all complaints and reports annually to the Board of Trustees. Any complaints relating to fundraising are reported to the Fundraising Regulator.
- 1.12 Staff and Trustees are required to complete an Annual Declaration of Interests as part of best practice in transparency.

## **2 PROCEDURE**

- 2.1 Employees should discuss the matter with their Line manager in the first instance; if not appropriate the next tier of management should be approached. An informal approach will be treated as completely confidential.
- 2.2 Volunteers should report matters to their manager or the Business Support Manager.
- 2.3 Whilst investigating the matter, the Trust may require the individual to provide further information. Any information provided under this procedure, including the fact that a concern has been raised with the Trust, will remain confidential between the individual, the person with whom it was first raised, the person investigating it and, if necessary, the Business Support Manager and the Chief Executive. However, depending on the nature of the matter raised, the Trust may be required by law to disclose some or all of the information to a third party, in which case the individual will be informed.
- 2.4 If the need for an investigation to be carried out is identified, the matter will be brought to the attention of the Business Support Manager and Chief Executive (or Chairman if the Chief Executive is implicated in the matter). Managers will not themselves attempt to undertake any detailed investigation of the possible irregularity, and they must not discuss their suspicions or those reported to them with anyone other than the Chief Executive and Business Support Manager. To do so, it may be considered as gross misconduct.
- 2.5 If the matter requires further investigation, such an investigation will be carried out and the individual will be informed of the outcome of the investigation and what, if any, action has been taken.

- 2.6 Where a manager acts as one of the investigating officers, then any subsequent disciplinary hearing cannot be led by that manager.
- 2.7 If the employee or volunteer is unhappy about the speed or conduct of the investigation, or the way in which the matter has been resolved, they should refer the matter to the Chief Executive or Chairman if the Chief Executive is implicated. When s/he has investigated the matter they will tell the individual the result of the investigation and what, if any, action has been taken.
- 2.8 The Trust undertakes that no employee or volunteer who makes a bona fide report under this procedure will be subjected to any detriment as a result. In the event that an employee or volunteer believes they are being subjected to a detriment by any person within the organisation as a result of the decision to invoke the procedure they must immediately inform the Chief Executive, or the Chairman, in his/her absence; appropriate action will be taken to protect them from any reprisals.
- 2.9 If it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another employee or volunteer, this will constitute misconduct and will be dealt with in accordance with the terms of the Trust's disciplinary procedure for employees and volunteer policy for volunteers
- 2.10 The Trust is keen to hear of any concerns that employees or volunteers may have about wrongdoing at work and encourages them to use the procedure described in this document wherever possible.
- 2.11 The Trust recognises there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary the Trust reserves the right to make such a referral without the employee's or volunteer's consent.
- 2.12 If the employee or volunteer feels that the matter has not been properly investigated by the Trust, there are various external organisations with whom they may raise their concerns. Examples of these organisations are:
- Whistleblowing Commission - Public Concern at Work
  - Health and Safety Executive
  - HMRC
  - Fundraising Regulator
  - Charity Commission
- 2.13 Under the Public Interest Disclosure Act 1998, disclosures to persons outside the Trust should only be made if the employee or volunteer honestly and reasonably believes the allegation to be true.
- 2.14 An employee or volunteer may find the circumstances leading to use of the whistle blowing policy stressful. The Trust's Stress Policy is available from the Business Support Manager.

End of policy