Whistleblowing Policy

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1. Introduction

This policy applies to all employees and officers of SOFEA. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.

It is important to the organisation that any fraud, misconduct or wrongdoing by Staff, Volunteers, Contractors or officers of the organisation is reported and dealt with properly. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Background

The law provides protection for staff, volunteer or contractors who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a staff member, volunteer or contractor who has a reasonable belief that:

- a criminal offence
- 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
- concealment of any of the above

is being, has been, or is likely to be, committed.

It is not necessary for the staff member, volunteer or contractor to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The staff member, volunteer or contractor has no responsibility for investigating the matter. It is the organisation's responsibility to ensure that an investigation takes place.

A staff member, volunteer or contractor who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The organisation encourages Staff, Volunteers and Contractors to raise their concerns under this procedure in the first instance. If a staff member, volunteer or contractor is not sure whether to raise a concern, they should discuss the issue with their Line manager or a Director.

3. Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff, Volunteers and Contractors should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the staff member, volunteer or contractor who raised the issue.

No staff, volunteer or contractor will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the staff, volunteer or contractor will not be prejudiced because they have raised a legitimate concern.

Victimisation of a staff member, volunteer or contractor for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, Staff, Volunteers and Contractors should not agree to remain silent. They should report the matter to a Director.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

4. The Procedure

a. Stage 1

In the first instance, and unless the staff member, volunteer or contractor reasonably believes their manager to be involved in the wrongdoing, or if for any other reason the staff member, volunteer or contractor does not wish to approach their Line manager, any concerns should be raised with the staff, volunteer or contractor's Line manager. If they believe the Line manager to be involved, or for any reason does not wish to approach the Line manager, then the staff member, volunteer or contractor should proceed straight to stage 3.

b. Stage 2

The Line manager will arrange an investigation into the matter, either by investigating the matter themself or immediately passing the issue to someone in a more senior position.

The investigation may involve the staff member, volunteer or contractor and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles as set out above. The staff member, volunteer or contractor's statement will be considered, and they will be asked to comment on any additional evidence obtained. The Line manager (or the person who carried out the investigation) will then report to the board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the Line manager (or the person who carried out the investigation) will report the matter to their manager or a Director and start the disciplinary procedure. On conclusion of any investigation, staff, volunteer or contractor will be told the outcome of the investigation and what has been done, or is proposed to be done, about it. If no action is to be taken, the reason for this will be explained.

c. Stage 3

If the staff member, volunteer or contractor is concerned that their Line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, they should inform a Director of the organisation or our external HR provider (info@thehrpatch.co.uk), who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the board as in stage 2 above. If for any other reason the staff member,

volunteer or contractor does not wish to approach their Line manager, they should also in the first instance contact HR, as above. Any approach to HR will be treated with the strictest confidence and the staff member, volunteer or contractor's identity will not be disclosed without their prior consent.

d. Stage 4

If on conclusion of stages 1, 2 and 3, the staff member, volunteer or contractor reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority.

The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Competition and Markets Authority
- the Health and Safety Executive
- the Environment Agency
- the Independent Police Complaints Commission
- the Serious Fraud Office.

5. Monitoring and review of the policy

This policy is reviewed once a year by our Director of People and Culture to ensure that it is achieving its objectives, and in line with any regulatory changes or requirements.