



WHISTLEBLOWING POLICY

REVIEWED SEPTEMBER 2022



About This Policy

The Dame Kelly Holmes Trust is committed to creating a safe environment in which all those involved in the charity are able to raise concerns about unacceptable practice and misconduct including the behaviour of an adult towards a young person.

The Trust encourages all individuals to raise any concerns they may have about the conduct of others in the charity or the way in which the charity 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. This policy applies to all employees, trustees, workers, volunteers, contractors and any other individuals performing functions in relation to the Trust, such as agency workers.

The Trust is committed to:

- Providing simple and secure mechanisms to raise concerns;
- Recording concerns confidentially;
- Investigating concerns promptly and fairly and maintaining objectivity and confidentiality throughout;
- Providing individuals with an opportunity to remain anonymous;
- Providing the right to be accompanied for any meetings in relation to their concerns; and
- Keeping individuals informed throughout the investigations undertaken, where appropriate.

Concerns Covered by the Policy

This policy covers actions or omissions which you consider to be illegal, non-compliant with regulatory requirements, contrary to policy or organisational procedures, outside the scope of an individual's authority or which could materially damage the Trust. Examples might include:

- Conduct which is an offence or a breach of law;
- A failure to comply with legal obligations;
- Imminent health and safety risks, including risks to the public as well as other staff and volunteers;
- Damage to the natural environment;
- A child's health and welfare is at risk;
- Fraud, theft, bribery or corruption;
- Improper or unauthorised use of Trust funds, resources or time;
- Unethical or improper conduct or conduct which breaches the Trust policies or procedures, including improper use of authority;
- Slavery, servitude, forced or compulsory labour and/or trafficking in the Trust or its supply chain;
- Where any of the above is being, or is likely to be, deliberately concealed.

If you have concerns about a third party, such as a supplier or partner, you should still report this using the procedure outlined in this policy. The Trust can then contact the third party or take other appropriate action.

Reporting Concerns

Concerns should be reported in accordance with the Whistleblowing Process outlined below.



Confidentiality

The Trust will use its best endeavours to protect an individual's identity if they raise a concern and do not want their identity disclosed. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. If such circumstances exist, you will be informed.

Anonymous Reporting

Individuals are encouraged to provide their names with any disclosures they make. Concerns expressed anonymously may be less credible and will be considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the concern and the evidence available; and
- The likelihood of confirming the allegation from attributable sources.

Proper investigation may prove impossible if the Trust cannot obtain further information from you. It is therefore preferable for those raising concerns to reveal their identity. Measures can then be taken to preserve confidentiality as appropriate.

Protection and Support for those Raising Concerns

"Whistleblowing" legislation aims to protect individuals who feel they have genuine concerns. The Trust is committed to good practice and high standards and is committed to being supportive of anyone who has concerns. In particular:

- Whistleblowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if your disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided issues are raised and disclosed in good faith; and
- The Trust will not tolerate harassment or victimisation and will take such action as is necessary to protect individuals when they raise concerns in good faith under this Policy.

If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this policy, you should inform the CEO or Office Manager & Charity Secretary immediately. Staff who victimise or retaliate against those who have raised concerns under this policy may be subject to disciplinary action under the Trust Disciplinary Procedure. The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that a concerning act is being, has been, or is likely to be, committed. The worker has no responsibility for investigating the matter - it is the Trust's responsibility to ensure an investigation takes place.



Right to be Accompanied

Raising concerns can be difficult, particularly those that may relate to fraud. However, you are urged to come forward with concerns at an early stage and before suspected problems may become more serious. If it helps, you may come forward with another colleague, to support you when raising a concern. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

Disclosures Made in Bad Faith

If an investigation under this policy concludes that a concern has been raised maliciously, in bad faith or with a view to personal gain, the individual making the disclosure may be subject to disciplinary action under the Trust's disciplinary procedure.

Whistleblowing Process

1. Reporting Concerns

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

2. Who do I report concerns to?

If you are concerned about any activity that you witness or are aware of then you should raise your concern promptly. This includes not only issues that involve you but also others in relation to Trust activities. Whenever possible you should raise your concerns with your line manager. They will work with you to address your concern and/or escalate it as appropriate whilst also reporting it to the Office Manager & Charity Secretary. If you do not have a line manager, do not feel comfortable discussing your concerns with your line manager, you wish to remain anonymous or you believe that your line manager is in some way involved with your concern, you should either contact the Office Manager & Charity Secretary directly, or another member of the Trust's Senior Management Team (SMT), with whom you feel comfortable raising your concerns.

If you are not satisfied with the action that your line manager takes, you can also contact the Office Manager & Charity Secretary or CEO directly. If the individual/line manager/HR is concerned that a member of SMT is involved in the wrongdoing, they should raise the concern with the Chair of the Board.

NB: A concern about safeguarding should be raised directly with our Designated Safeguarding Officer/s at safeguarding@damekellyholmestrust.org or 01225 683084.

If you are not satisfied with the actions taken you may write to the Chief Executive Officer or to the Chair at the Trust's Head Office: Ground Floor and Basement, 7 Barton Buildings, Bath BA1 2JR.



If you are not satisfied with the actions taken thereafter you 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;
- the Serious Fraud Office;
- Independent Office for Policy Conduct;
- Charity Commission;
- the Health and Safety Executive; and
- the Environment Agency.

3. **How are concerns recorded?**

If you raised the concern with your line manager, the Trust's Office Manager & Charity Secretary will review this with your line manager as appropriate and undertake any necessary investigation in line with agreed procedures. The Office Manager & Charity Secretary will acknowledge receipt of your concern and will keep a record of further action taken.

Investigating and Responding to Concerns

1. Initial response

Within ten-working days of a concern being received, or sooner if the situation requires, the Trust will respond to the individual raising the concern, directly in writing, to acknowledge that the concern has been received and where applicable:

- Indicate how it proposes to deal with the matter; or
- Request additional information.

The individual will also be provided with details of the support available which will include access to counselling facilities.

2. Appropriate action

The action taken by the Trust will depend on the nature of the concern, the appropriate method of investigation, the skills needed, and the nature of evidence required to substantiate the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to the external auditor; or
- Form the subject of an independent inquiry.



3. Contact with the individual making the disclosure

The amount of contact between those people considering the issues and the individual making the disclosure will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided.

So far as the Office Manager & Charity Secretary considers it appropriate, subject to legal constraints, you will be kept informed of the progress of the investigation and whether external authorities have been notified; however, the need for confidentiality may prevent the Trust or an investigator from giving you specific details.

Monitoring

The Trust's Office Manager & Charity Secretary will be directly responsible for monitoring the outcome of the concerns raised through this process.

Data Protection

When an individual makes a disclosure, the Trust will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report, is held securely and accessed by, and disclosed to, individuals only as necessary for the purposes of dealing with the disclosure.

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Next review date	October 2024