

# WHISTLEBLOWING POLICY

## Introduction

Help The needy (HTN) is an international humanitarian and development organisation, established in 1996 and registered with the charity commission of England and Wales, Help The needy charitable trust is dedicated to support the most vulnerable people regardless of race, ethnicity or religion. We endeavour to fulfil two important objectives; one is protecting life and dignity in times of emergencies and second is empowering communities through sustainable development.

At all times HTN seeks to conduct its activities professionally, honestly and with integrity. However, all organisations face the risk of unprofessional conduct, criminal behaviour or mismanagement. STC believes it is its responsibility to take appropriate measures to identify such situations and attempt to remedy them.

HTN is committed to fostering a culture where trustees, members, directors, employees, contractors and volunteers of HTN and others acting on its behalf (together **Representatives**) are encouraged to raise concerns about unethical and unacceptable conduct and can do so in a safe environment.

The purpose of this policy is to strengthen HTN's core values by empowering all Representatives to report any wrongful acts in good faith.

This policy is intended to provide reporting mechanisms and the means through which all Representatives regardless of their office location, are able to report alleged or suspected wrongful acts.

The HTN's Chief Operating Officer (**COO**) is to ensure that all Representatives are made aware of this policy, who to report concerns to and any amendments to it.

## Definitions

1. **Whistleblowing** is defined as deliberate, voluntary disclosure of individual or organisational wrongdoing by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organisation.
2. **Whistleblower** refers to any Representative who attempt to make or wish to make a report in connection with a wrongful act under this policy and who wish to avail themselves of the protections offered by this policy.
3. A **wrongful act** includes, but is not limited to:
  - breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
  - criminal offences;
  - mismanagement of funds;
  - actual or suspected fraud;
  - abuse of authority;
  - disclosures related to miscarriages of justice;
  - health and safety risks, including risks to the public as well as other employees;

- damage to the environment;
- the unauthorised use of organisational funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- other unethical conduct; or
- the concealment of any of the above.

## **Policy**

HTN seeks to provide Representative with a supportive work environment in which they feel able to raise issues of legitimate concern. HTN will take steps to protect its personnel from detrimental treatment or dismissal if they report actual or suspected wrongful acts in good faith. HTN undertakes to act in accordance with relevant legislation on disclosure of wrongful acts in the workplace (both in England and Wales and internationally).

## **Principles**

- All Representative have an obligation to report wrongful acts or suspected wrongful acts in accordance with this policy;
- All Representative have the right to speak freely and honestly to report wrongful acts in a safe environment without fear of retaliation or reprisal; and
- STC will respond in a timely, respectful and confidential manner to all disclosures of wrongful acts.

## **Policy in Action**

### 1. Confidentiality

If a wrongful act or a suspected wrongful act is reported under this policy, STC will endeavour to protect the whistleblower's identity. In order not to jeopardise the investigation into the alleged wrongful act, the whistleblower is also expected to keep the fact they have raised a concern, the nature of the concern and the identity of those involved confidential.

Generally, HTN will not disclose the whistleblower's identity unless:

- the whistleblower consents to the disclosure;
- the disclosure is required or authorised by law; and/or
- the disclosure is necessary to further the investigation.

Mostly, reports made under this policy will be treated confidentially. However, when a report is investigated it may be necessary to reveal its substance to people such as other Representative, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. At some point it may also be necessary to disclose the fact and the substance of a report to the person who is the subject of the report.

STC will take reasonable precautions to store any records relating to a report of a wrongful act securely and to permit access by authorised personnel only.

Unauthorised disclosure of information relating to a report, the identity of the whistleblower or information from which the identity of the whistleblower could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

## 2. Protection of whistleblowers

No person who raises genuinely held concerns in good faith under this policy will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes, but is not limited to, unwarranted disciplinary action and victimisation in any of the following forms:

- dismissal;
- demotion;
- any form of harassment;
- discrimination;
- current or future bias; or
- threats of any of the above.

Any such retaliatory action will be treated as serious misconduct and will result in disciplinary action which may include dismissal. If a whistleblower believes retaliatory action has occurred or has been threatened, the whistleblower has the right to make a submission to the HTN Board. The HTN Board is independent of management and will arbitrate the matter.

## 3. Whistleblowers implicated in a wrongful act

Even though a whistleblower may be implicated in the wrongful act, they will not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

However, making a report will not necessarily shield the whistleblower from the consequences flowing from that person's involvement in the wrongful act. In some circumstances an admission may be a mitigating factor when considering disciplinary or other action.

## 4. False disclosures

HTN will treat all disclosures of wrongful acts seriously and protect staff who raise concerns in good faith. However, while protection is provided to whistleblowers under this policy, deliberate false reports will not be tolerated and anyone found making a deliberate false claim or report will be subjected to disciplinary action, which could include dismissal.

## 5. Procedure for raising a concern

If a Representative believes that the actions of anyone (or a group of people) working, contracting to or volunteering for STC do or could constitute a wrongful act they should raise the matter with the COO. If however, the COO is involved in the alleged wrongful act in some way, the matter should be raised with STC's Chief Executive Officer unless he or she is involved in which case it should be raised with the Chair of the Board. If however, the Chair is involved in the alleged wrongful act in some way or it is inappropriate to raise the matter directly with the Chair they may raise the matter with the whole HTN Board.

Representatives may raise their concerns verbally or in writing and should include full details together with any supporting evidence that may be available. They should state they are using the Whistleblowing Policy and specify whether they wish for their identity to be kept

confidential. People choosing to raise their concerns in writing must use the template provided (see Annexure A).

6. How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used:

- (a) The whistleblower must disclose at the outset, any personal interest they may have in the matter. This must include full disclosure of any involvement the whistleblower has had in the matter.
- (b) The person to whom it was raised (ie the COO, CEO, Chair or entire Board) shall manage the disclosure (the **Disclosure Manager**).
- (c) The Disclosure Manager will identify a suitable individual who will be instructed to conduct an investigation into the allegation. This person may be internal or external to HTN. HTN undertakes to start the investigation within two weeks of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
- (d) The whistleblower may be asked to provide more information during the course of the investigation.
- (e) The person investigating the disclosure will prepare an investigation report that will be reviewed by the Disclosure Manager.
- (f) Appropriate action will be decided by the Disclosure Manager in discussion with relevant senior managers and the executive team. Action may include: initiating a disciplinary process, or informing external authorities if a criminal action has been committed, eg fraud or theft. If referral to an external authority is necessary the Board will be advised and the whistleblower will be informed, although if HTN considers it appropriate to do so, such a referral may need to be made without the whistleblower's knowledge or consent.
- (g) If it is found that there is not sufficient evidence of a wrongful act, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be appropriate for the Disclosure Manager to take a more informal approach to dealing with the matter. In this circumstance possible outcomes of the investigation could be that:
  - The allegation could not be substantiated; or
  - Action has been taken to ensure that the problem does not arise again.
- (h) If the whistleblower is not satisfied with the response they have received they have the option to raise the matter directly with the CEO, the Chair of the Board or the STC Board directly.

### **Corrective action and compliance**

Should allegations be found to be unsubstantiated, every effort will be made to address any negative effects on the reputation and morale of personnel involved.

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable HTN to minimise the risk of the recurrence of any wrongful act that

has been disclosed. The Disclosure Manager, or a designated senior manager, will be responsible for reviewing and implementing these recommendations.

### **Communication with the whistleblower**

Provided the disclosure was not submitted anonymously, the whistleblower will be kept informed of the progress of the investigation by the Disclosure Manager. The whistleblower will be informed of the outcomes of the investigation subject to the considerations of privacy of those against whom the allegations have been made.

### **Management of a person against whom a report is made**

Generally the person who is the subject of any report that is investigated, will:

- be informed as to the substance of the allegations;
- be given the opportunity to answer the allegations before any investigation is finalised;
- be informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised; and
- have their defence set out fairly in any report.

STC recognises that individuals against whom a report is made must also be supported during the handling and investigation of the alleged wrongful act. STC will take reasonable steps to ensure the person who is the subject of a report, is treated fairly, particularly during the assessment and investigation process. Support provided by STC may include referral for counselling.

Where a person is named by a whistleblower as being suspected of a possible wrongful act but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted then the whistleblower will be informed of this outcome and the matter laid to rest.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

## Annexure A – Whistleblower Report

**Note:** If you wish to remain anonymous do not complete items 1 – 4 of this questionnaire

<input type="checkbox"/> I authorise the use of the information provided in this report in accordance with the Whistleblowing Policy	<input type="checkbox"/> I would like a summary of my concerns and proposed action to be provided to me
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1.	Please state your full name	
2.	Please state your position title and your office location	
3.	What is your work telephone number and email address?	
4.	What is the name of your immediate manager?	
5.	Please describe in detail the matter you would like to disclose	
6.	How was the matter discovered?	
7.	Over what period of time has the suspected activity occurred?	
8.	Why do you consider this matter to be a wrongful act?	
9.	Please name all the people involved in the suspected wrongful act	
10.	Are there any witnesses?  If “yes” please state their names:	
11.	Do you have any supporting evidence?	
12.	Where is the evidence located?	
13.	Is the evidence in danger of being lost or destroyed?	
14.	Please explain how this evidence can be retrieved by the person involved in investigating the matter.  OR  Provide the evidence with your report.	
15.	Have you been told about this matter by someone else?	
16.	Who else knows about this matter?	

17. Please state (in detail) if you have any concerns regarding reprisals or recriminatory action taken or that might be taken against you.	
18. Please include any other details which you believe are relevant.  This should include whether you have any personal interest in the matter.	