Cancer52 Whistleblowing Policy

Statutory Framework

The Public Interest Disclosure Act 1998, an Act that protects whistleblowers from detrimental treatment by their employer, became an amendment to the Employment Rights Act 1996. This provides the statutory framework for employment protections for workers who make a qualifying disclosure (or 'blow the whistle') to Cancer52 about suspected wrongdoing in charities, including crimes and regulatory breaches by their employer.

The Act outlines protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that one of the following has occurred:

- 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
- or concealment of any of the above.

In addition to statutory law, Cancer52 adheres to the UK Government's Guidance and Regulation for Charities and social enterprises, including guidance relating to safeguarding and protecting people as a worker or volunteer. The Charity Commission is a 'prescribed person' under the Public Interest Disclosure (Prescribed Persons Order) 2014, making it the regulatory body for appropriate disclosures on matters relating to 'the proper administration of charities and funds given, or held, for charitable purposes'.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity 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 person who raised the issue.
- No employee or other person working on behalf of the charity 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 worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our 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, you should not agree

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to remain silent. You should report the matter to the chief executive or the chair of the board of trustees.

Policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity 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.

This policy will apply in cases where a member of staff or others working on behalf of the charity genuinely believes that one of the following set of circumstances occurs, has occurred or may occur within the charity and that it is in the public interest for the member of staff to disclose it. The matters which may be disclosed in this way ("whistleblowing concerns") fall into one or more of the six categories of wrongdoing set out below.

A disclosure relating to any of these will be a "protected disclosure".

1. a criminal offence (including fraudulent and corrupt behaviour e.g. fraud or malpractice)
2. a failure to comply with any legal obligation
3. a miscarriage of justice;
4. an act (or omission) creating risk to health and safety
5. an act causing damage to the environment;
6. the deliberate concealment of any of the above matters.

It is not necessary for a member of staff or any other person working on behalf of the charity to have proof that such an act is being, has been or is likely to be committed. A member of staff does, however, need to hold a reasonable belief of such action having been, being or likely to be carried out.

The member of staff will have no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place. If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment. Matters relating to your contract of employment, should be raised via the grievance procedure.

Stage 1: In the first instance, any concerns should be raised with the chief executive, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above.

Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. The chief executive will take any necessary action, including reporting the

matter to the chair of the board of trustees and any appropriate government department or regulatory agency. The chief executive will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

You should escalate the matter to the chair of the board of trustees if you are concerned that the chief executive:

- is involved in the wrongdoing
- has failed to make a proper investigation
- or has failed to report the outcome of the investigations to the relevant person.

In the unlikely event that the cause for concern involves both the Chief Executive and the Chair, the matter should be referred to either the Operations Director or the Vice Chair of the Board.

Stage 2: The chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

Stage 3: If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority
- The Competition and Markets Authority
- The Independent Office for Police Conduct

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014 (PDF).

Data Protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the 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 for the purposes of dealing with the disclosure.

Any disclosure made to Cancer52 will be retained for the lifetime of the investigation, followed by an additional period of 7 years in order to defend against any legal claims which may result from the disclosure.

Alternatives available to Cancer52 Staff or others working on behalf of the charity

Cancer52 Staff members or other people working on behalf of the charity may also wish to seek independent advice. Protect is a registered Charity based in England offering free, confidential whistleblowing advice. Protect can be reached on 0800 055 7214.

The Charity Commission maintains an email address for reporting your concerns: whistleblowing@charitycommission.gov.uk. It also maintains a whistleblowing privacy notice for disclosures made by charity staff under the Public Interest Disclosure Act. The Charity Commission cannot tell you if your whistleblowing disclosure is protected under the law or give legal advice.

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