Whistleblowing Policy and Procedure

DOWN SYNDROME INTERNATIONAL

Document control

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1.0 Introduction

1.1 Down Syndrome International (DSi) has developed this Whistleblowing Policy to demonstrate its commitment to open and accountable management. This policy is designed to allow staff to disclose information that they believe shows malpractice, unethical conduct or illegal practices in the workplace, without being penalised in any way. This includes protecting staff from any detriment or discrimination if they do report (i.e. 'blow the whistle on') improper or illegal conduct within the organization.

1.2 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage any member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. It also has a list of prescribed regulators for reporting certain types of concern. Its contact details are at the end of this policy, along with the contact details of the Charity Commission for England and Wales which also has a dedicated whistleblowing support line.

1.3 DSi is committed to maintaining an open culture with the highest standards of honesty and accountability, where staff can report as soon as possible any legitimate concerns in confidence in every area of its operation. This policy reflects the legal protection given to staff under the UK Public Interest Disclosure Act 1998; however, DSi recognises the importance for these same standards to apply wherever DSi works in the world.

1.4 This policy applies equally to all employees, trustees/officers, consultants, contractors, volunteers, casual workers and agency workers of DSi regardless of seniority or length of service.

1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2.0 Scope and definitions

2.1 This Whistleblowing Policy is intended to allow concerns that relate to suspected wrongdoing or danger at work to be reported if they are reasonably believed to be in the public interest. They may be investigated separately but might then lead to the instigation of other DSi policies and procedures, for example the DSi Grievance Procedure, DSi Disciplinary Procedure or DSi Discrimination, Bullying and Harassment Policy and Procedure. Examples of such concerns (which are not exhaustive) might include:

- A criminal offence;
- The breach of a legal obligation or regulatory requirement;
- A miscarriage of justice;
- A danger to the health and safety of any individual;
- Damage to the environment;
- Bribery or financial fraud;

- Unethical conduct (including the use of sex workers);
- A safeguarding issue;
- Deliberate attempt to conceal any of the above.

2.2 If a member of staff fails to notify DSi when certain of an occurrence included in, but not limited to, the list of categories of disclosures stated on section 2.1 above, it may be regarded by DSi as misconduct.

2.3 It may be more appropriate for a particular concern to be raised by way of another policy or procedure (for example DSi Grievance Policy or Anti-Fraud and Corruption Policy) and not under this DSi Whistleblowing Policy. In particular, this policy should not be used for complaints relating to a member of staff's personal circumstances, such as the way they have been treated at work. In those cases, staff should use the Grievance Procedure. If any member of staff has any concerns as to which policy the disclosure should be made under, they should check with the Executive Director.

2.4 Definitions

Whistleblowing is when a member of staff raises a concern relating to any of the matters above at 2.1. Officially this is called 'making a disclosure in the public interest'.

Protected Disclosure is a disclosure of information that the member of staff reasonably believes tends to show malpractice. As a member of staff, you are protected from suffering any detriment as a result of your 'disclosure'.

The DSi Whistleblowing Policy is designed to enable an employee to report inappropriate behaviour that is not specifically directed at them personally.

The **Anti-Fraud and Corruption Policy** is specifically concerned with intentional acts of dishonesty and deception. If an issue reported under the DSi Whistleblowing Policy is deemed to be fraud, it will also be forwarded to the individuals named under the Anti-Fraud and Corruption Policy.

Confidentiality is an express term in the contract of employment, stating that an employee or member of staff will not disclose confidential information that concerns DSi. However, where a member of staff discovers information that they believe shows malpractice, unethical conduct or illegal practices within DSi, then the option to disclose the information independently of line management and without fear of reprisal for breach of confidentiality is made available under this Whistleblowing Policy.

3.0 Principles

3.1 This policy offers guidance and protection to those members of staff who disclose a whistleblowing concern. DSi's aim is that the wellbeing of any member of staff should not in any way be harmed as a result of that protected disclosure, whether the item reported proves to be true or not, provided the reporting was carried out in good faith.

Subjecting any member of staff to a detriment because of a protected disclosure,

including a member of staff who has been investigated as part of the disclosure, may be regarded as gross misconduct which will result in disciplinary action. A detriment includes dismissal, disciplinary action, threats or other unfavourable treatment.

3.2 DSi undertakes to protect any member of staff from any personal claims and from any detriment, victimisation, harassment or bullying as a result of their disclosure.

3.3 DSi undertakes to comply with all applicable laws relating to the prohibition of retaliation against good-faith whistleblowers who raise issues of concern.

3.4 This policy is not designed to support a member of staff who wishes to question financial or business decisions that have been taken by DSi; nor should it be used to seek reconsideration of matters which have already been addressed under other DSi policies (e.g. DSi Discrimination, Bullying and Harassment Policy, DSi Grievance Procedure or DSi Disciplinary Procedure).

3.5 In most cases, whistleblowing claims need to be made promptly and at the latest within the three-month period following the date of the act complained of. Limited exceptions may apply in particular circumstances only.

4.0 Confidentiality of concerns raised

4.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, DSi will treat all disclosures in a confidential and sensitive manner. As part of this, the identity of any member of staff making an allegation may be kept confidential so long as it does not hinder any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence gathering process and their identity may be revealed or implied as part of the investigating process.

If a criminal investigation follows, the member of staff may be needed as a witness. If this occurs, the Executive Director or Board President will notify the member of staff at the earliest opportunity.

5.0 Anonymous disclosures

5.1 This policy encourages staff to put their name to any disclosure they make. Concerns expressed anonymously are less powerful and may be less easy to investigate; however, they will be considered and reviewed at DSi's discretion.

5.2 In exercising this discretion, the factors taken into account will include:

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

5.3 Staff who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in section 9 of this policy and appropriate measures can then be taken to preserve confidentiality.

6.0 Untrue allegations

6.1 If a member of staff makes a genuine allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make malicious or vexatious allegations, particularly if they persist with making them, then disciplinary action may be taken against the individual concerned under the DSi Disciplinary Procedure.

7.0 Procedures for making a disclosure

7.1 For locations outside of the UK, any local employment law requirements in relation to whistleblowing, over and above this policy and procedure, should also be applied.

7.2 If a member of staff believes that a matter or practice within the scope of this policy (section 2.1) is or has been taking place, they should make the disclosure immediately to their line manager. If the matter or practice is more serious and/or concerns the line manager then it should be reported to the Executive Director and President.

7.3 There is no specific method that staff should use to make a disclosure; they can use email, telephone or post, for example. Any reasonable personal expenses incurred in making the disclosure can be claimed as a reimbursable business expense.

7.4 Exceptionally, if the member of staff believes it is inappropriate for any reason to report the concern to a line manager, they may report it to either the Executive Director or to the DSi President (for details, see section 9 of this document).

7.5 An investigation will then take place into the alleged matter or practice. This may involve meeting with the member of staff to discuss their concerns. When disclosing any concerns, the member of staff would not be expected to have absolute proof of malpractice or illegal practices but would need to show the sound reasons for their concerns.

7.6 Once a protected disclosure has been received it will be referred to the relevant manager or Trustee as appropriate, giving details of the protected disclosure, including:

- Date and substance of the protected disclosure;
- Identity and level of seniority of the alleged wrongdoer(s);
- Level of risk associated with the alleged wrongdoing.

7.7 The Executive Director and President will decide whether sufficient information exists to allow the allegation(s) to be investigated and, if so, the appropriate process to determine:

- The nature and scope of the investigation;
- Who will lead the investigation (that person may be external to DSi);
- The nature of any technical, financial or legal advice that may be required;
- A timeframe for the investigation (paying regard to the level of risk);
- Whether any individual(s) under investigation should be suspended.

7.8 They will also consider the appropriate time to inform any alleged wrongdoer(s) of the investigation process. We will also aim to keep the member of staff who raised the concern informed of the progress of any investigation and its likely timescale. However, sometimes the need for confidentiality may prevent DSi giving specific details of the investigation or any disciplinary action taken as a result. Staff should treat any information about the investigation as confidential.

8.0 Possible outcomes

Possible outcomes of the investigation may include:

- No further action;
- Disciplinary action (and a transfer to the DSi Disciplinary Procedure);
- Further investigation by an external authority.

8.1 Note that cases relating to suspected criminal activity, including but not limited to fraud, would be reviewed by the Executive Director and the President to decide whether they should be referred to the Police or other relevant body.

8.2 While we cannot always guarantee the outcome any whistleblower is seeking, we will try to deal with their concerns fairly and in an appropriate way. However, if the discloser is unhappy about the outcome of an investigation, they should make a further report to the Executive Director outlining their concerns. If there is good reason to do so, and particularly if there is new evidence, the concern will be investigated again.

9.0 Who to contact

DSi Executive Director

Email: andrew.boys@ds-int.org

DSi President

Email vanessads123@gmail.com

Protect (Independent whistleblowing charity)

Advice Line: https://protect-advice.org.uk/advice-line/

Website: https://protect-advice.org.uk/

Charity Commission

Email: whistleblowing@charitycommission.gsi.gov.uk

Website: https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer