



## Whistle-blowing policy

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## Policy control sheet

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Policy owner	Gerrard Graf, Head of Finance & Risk		
Officer responsible	Simon Topping, Senior Advisor: Governance & Contracts		
<b>Version history</b>			
Version	Date	Approved by	Amendments
1.0	23/04/10	Board	
2.0	25/04/14	Board	Additional paragraphs on purpose and application.
2.1	21/11/14	NvS	Deleted the word 'most' from 'most reports...' (page 4, last para, first sentence)
2.2	19/3/18	NvS	Update reporting section to reflect changes in Secretariat structure
2.3	31/07/19	ST	Updated for name change to Frontline AIDS
2.4	Mar 2020	GG	Updated following LRC restructure: Final section: owner now Head of Finance & Risk Reference to LOs removed from page 5
2.5	Mar 2021	ST	Penultimate paragraph (Support for anyone raising concerns) expanded and new paragraphs added (Charity Commission guidance and Get independent advice) to incorporate recommendations of the Safeguarding Internal Audit Report of February 2021.

## **Whistle-Blowing Policy**

### **Purpose of this Policy?**

This policy aims to:

- encourage you to feel confident to make a disclosure of concerns about issues that fall under this policy
- provide avenues for you to raise those concerns
- reassure you that you will be protected.

Whistle-blowing is a term used to describe a situation in which an employee, trustee, volunteer or any other individual linked or associated with Frontline AIDS raises a concern about possible malpractice, fraud, crime, danger or any other serious risk that could threaten donors, colleagues, the public or the integrity and reputation of Frontline AIDS.

The difference between a whistle-blowing issue and an employee grievance is that in the case of whistle-blowing, the concern is about a danger or illegality that has a public interest to it; a grievance or private complaint, by contrast, is a dispute about the employee's own employment position and has no additional public interest dimension. There is a separate policy for raising a grievance.

It is often easy to ignore malpractice (as defined below); employees can sometimes feel disloyal to their colleagues or employer if they report malpractice. The purpose of this policy is to provide a framework in which individuals can raise concerns about malpractice in a supportive atmosphere.

### **Who does this policy apply to?**

This policy applies to all Frontline AIDS employees.

In addition, the policy applies to all consultants, contractors and their staff working for Frontline AIDS.

### **What kind of concerns would I disclose under this policy?**

Any serious concerns you may have about any aspect of the activities of Frontline AIDS or those who work within it can be reported under this policy. Examples of malpractice which you should report include, but are not limited to, the following:

- Corruption, bribery or blackmail;
- Other criminal offences;
- Fraud and financial irregularity;
- Failure to comply with legal or regulatory obligations;
- Endangering the health and safety of any individual;
- Endangering or abusing (either physically or mentally) children or vulnerable adults with whom Frontline AIDS is working;
- Gross injustice; and
- Concealing any of the above.

Malpractice should be reported when it happens or is reasonably likely to occur. Harm to Frontline AIDS can happen if malpractice is unchecked or unaddressed. Importantly, in deciding whether to report malpractice, do not think about harm simply in terms of funds lost, or damage to a particular programme or initiative. Harm may also be done to the integrity and reputation of Frontline AIDS itself, on which a programme depends for its support and survival.

### **Who should blow the whistle?**

Any individual who becomes aware of malpractice in any part of Frontline AIDS has an *obligation* to report that conduct, and should do so as described using the procedure below. Anyone can report conduct under this policy: staff members, trustees, volunteers or anyone else who is concerned, including members of the general public.

### **What is confidential whistle-blowing?**

A whistle-blower may choose to reveal his or her identity when a report or disclosure is made. In this case, Frontline AIDS will respect and protect the confidentiality of the whistle-blower, and gives an assurance that it will not reveal the identity of the whistle-blower to any third-party insofar as it is possible to do so (sometimes it is not possible to achieve this; for example, if something is being investigated by the police, or the court orders disclosure). An advantage for Frontline AIDS of a confidential (as opposed to anonymous) report is that it is easier to investigate the report. Importantly, Frontline AIDS assurance of confidentiality can only be effective if the whistle-blower also maintains confidentiality.

### **What is anonymous whistle-blowing?**

As an alternative to confidential reporting, a whistle-blower may choose not to reveal his or her identity. Although the whistle-blower is then sure about anonymity, this does make it harder for Frontline AIDS to investigate fully. An anonymous whistle-blower should be careful not to reveal his or her identity to a third party.

### **Protecting a whistle-blower**

Frontline AIDS's systems to protect confidentiality and offer anonymity aim to keep a whistle-blower safe. To ensure the safety of whistle-blowers, Frontline AIDS undertakes to treat all whistle-blowing reports as either confidential or anonymous. The choice between confidential or anonymous whistle-blowing is entirely that of the whistle-blower.

Safety is a concern because anyone who is benefiting from misconduct might try to retaliate against or victimise a whistle-blower. But this can only happen if the identity of the whistle-blower becomes known through a breach of confidentiality. An anonymous whistle-blower cannot be victimised, provided that the whistle-blower also protects his or her identity.

Providing a matter of concern is raised in good faith (see the definition below), no action will be taken against the whistle-blower even if the concern turns out to be unfounded. However, reports which are malicious, knowingly untrue or made for personal gain are viewed as serious matters. An employee who makes a report in respect of which bad faith is proven, is liable to disciplinary action, which may include dismissal.

To be protected, reports must be made in good faith. Essentially, this means that the report must be made honestly for the purpose of allowing the concern to be addressed. A report

may not be treated as being in good faith when it is made mainly for some other improper motive.

### **Whistle-blowing procedure**

There will always be disagreements about the best way of doing something, and challenges will often be made to practices and decisions in working life. This does not mean that all such matters should be reported. In addition to the types of areas of concern outlined at the beginning of this policy, Frontline AIDS has a number of specific documents which you can turn to for guidance about what counts as malpractice. Frontline AIDS policies give specific examples of matters which are of serious concern and which should be reported. These documents are not exhaustive and, if you cannot find the guidance you need, or if you remain unsure, it may be helpful to go through the following questions:

- Does this feel right to me?
- Does it appear reasonable?
- Would I feel comfortable justifying this to public scrutiny?

If you answer 'no' to these questions, you should report the concerns.

If you become aware, directly or indirectly, of a practice or incident which causes concern, there are two options available:

1. report through normal line of management; or
2. if this has already been done and no action has been taken, or if you feel unable to talk to your line manager, you may contact someone outside of line management, for example, the director or manager of a function.

### **How to report malpractice**

If you believe that you have information about actual or potential malpractice you should disclose those concerns (in the strictest of confidence) as follows, depending on who or what the concern is about:

- If the concern is about a Senior Management Team member, contact the Executive Director;
- If the concern is about the Executive Director, contact the Chair of the Board of Trustees;
- For any other concerns, contact the Human Resources team or a member of the Senior Management Team; and
- If you are a trustee, you should contact the Chair of the Board of Trustees if the concern relates to another trustee or the Executive Director, but otherwise contact the Executive Director.

Reports can also be emailed to: [confidentialreporting@frontlineaids.org](mailto:confidentialreporting@frontlineaids.org)

If you wish to discuss the situation with someone on a confidential basis, you can use the PPC employee assistance confidential advice line: 0800 282 193, where a qualified counsellor will be able to give you more information.

## **Investigating malpractice**

Frontline AIDS will follow this procedure:

- On receiving a report, an appropriate investigator will be appointed.
- The identity of the investigator will usually depend on the nature of the reported malpractice: for example, a health and safety matter will likely be investigated by a senior manager with health and safety experience; and a financial irregularity by a senior finance manager.
- The person reporting the malpractice will be told the name of the investigator, how to make contact with him or her, and whether further help will be needed.
- Frontline AIDS will respect the confidentiality of the person raising the concern insofar as it is possible to do so; it may not be possible to preserve confidentiality in all instances (as explained above).
- Frontline AIDS will brief the person making the report about the outcome of the investigation and any action proposed.
- The person(s) accused of the malpractice will be informed of the accusation and, if necessary (if there appears to be some validity to the allegation) will be given the opportunity to respond. If a decision is taken to move into a disciplinary process, the normal provisions of the disciplinary procedure, including the rights to a hearing and to appeal, will apply.
- If disciplinary action results from the investigation, the person who raised the concern may be asked to participate in the process. Frontline AIDS will support the whistleblower and take steps to protect him or her from reprisals and victimisation. Victimising someone because they have raised a concern, or to deter them from doing so, is a serious disciplinary offence which, if proven, will be considered an act of gross misconduct and may result in summary dismissal.
- Frontline AIDS may consider providing independent external support to the whistleblower if the concern is of a complex nature, or if the investigation is likely to be protracted or of a very sensitive nature.
- Where the person raising the concern is him- or herself involved in the malpractice, the fact that she or he has brought the matter to light will be taken into account in determining any subsequent disciplinary action.

## **Responsibility of person receiving a report**

Every staff member, volunteer and trustee has an obligation to report instances of suspected malpractice. However, a specific obligation rests on the person to whom such a report is made to take the matter upwards to Senior Management Team level (or as otherwise required by this policy). The Senior Management Team must be aware of all such allegations and must be satisfied that they have been adequately dealt with. In the case of trustees, instances of malpractice should be reported to the Chair of the Board.

## **Support for anyone raising concerns about malpractice**

If you raise a concern and are then victimised (or feel victimised), or if you have a complaint about how your concern was handled, you can seek support through line management, from another senior manager, or from a Safeguarding Focal Point.

If you prefer not to raise your concern through the above channels, you may wish to use the Frontline AIDS confidential reporting email address ([confidentialreporting@frontlineaids.org](mailto:confidentialreporting@frontlineaids.org)) or to contact one of the trustees directly.

### **Charity Commission guidance**

The following online guidance is available from the Charity Commission and includes an email whistleblowing address for reporting concerns directly to the Charity Commission.

- [Report serious wrongdoing at a charity as a worker or volunteer](#)
- [Whistleblowing for employees](#)

### **Get independent advice**

As noted in the Charity Commission guidance, if you need advice about blowing the whistle on a charity call [Protect's](#) free and confidential advice line:

Telephone: 020 3117 2520

Protect, a specialist whistleblowing charity, can help explain:

- what types of wrongdoing you can report
- your legal rights
- next steps if you decide to report something

You can also get advice from [Citizens Advice](#) or, if you are a member of Unite, one of your Union reps.

### **Responsibility for policy**

The owner of this policy is the Head of Finance & Risk.