



Growing through giving

Introduction

As the success of a community foundation depends upon public confidence, credibility and broad public support, a goal for a foundation should be to maintain the highest standards of personal and professional integrity, conduct and ethics. A whistleblowing policy reflects practices and principles that are crucial to maintaining a foundation's success and standing within the community.

County Durham Community Foundation is committed to the highest possible standards of openness, probity and accountability and therefore welcomes suggestions from service users and employees as to ways to ensure continuous development and improvement of services. Again, in the spirit of continuous improvement, there is an expectation that employees of County Durham Community Foundation and service users will report any concerns about possible bad practice.

"Blowing the Whistle" can be done without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees and service users to raise serious concerns within County Durham Community Foundation rather than overlooking a problem or 'blowing the whistle' outside. These procedures are in addition to County Durham Community Foundation's complaints procedures.

Aims and Scope of this Policy

This policy aims to:-

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "disqualifying disclosures".

A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:-

- 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;

is being, has been, or is likely to be committed. It is not necessary to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or trustees of County Durham Community Foundation or others acting on its behalf can be reported under the Whistleblowing Policy. This may be about something that:-

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe County Durham Community Foundation subscribes to; or
- is contrary to County Durham Community Foundation's Constitution or policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

Safeguards against Harassment or Victimisation

County Durham Community Foundation is committed to good practice and high standards and wants to be supportive of employees and others covered by this policy. County Durham Community Foundation recognises that the decision to report a concern can be a difficult one to make.

County Durham Community Foundation will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action if necessary, to protect you when you raise a concern in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other dismissal procedures that already affect you or may affect you in the future.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of County Durham Community Foundation. It should be remembered that wherever possible confidentiality will be preserved.

In exercising this discretion the factors to be taken into account would include:-

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

Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

How to Raise a Concern

As an employee, as a first step you should normally raise concerns with your immediate line manager and follow the procedure set out in the Employee Handbook. Service users should approach the Chief Executive or the Chairman.

Concerns may be raised verbally or in writing. If you wish to make a written report, you are invited to use the following format:-

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the situation
- If your concern is raised verbally, a written note will be taken in line with the format above

The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

How County Durham Community Foundation will respond

Where appropriate, the matters raised may:-

- be investigated by management, the Audit Committee, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which County Durham Community Foundation will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, vulnerable adults, and discrimination or harassment issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the Chief Executive will write to you:-

- acknowledging that the concern has been received
- indicating how County Durham Community Foundation proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and,
- telling you whether further investigations will take place and if not, why not.

County Durham Community Foundation accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation but you must keep that information confidential.

How the Matter can be Taken Further

This policy is intended to provide you with an avenue within County Durham Community Foundation to raise concerns. County Durham Community Foundation hopes you will be satisfied with any action taken. If you are not and if you feel it is right to take the matter outside County Durham Community Foundation, you should ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.