



Whistleblowing Policy

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Whistleblowing Policy

Introduction

The Board has agreed this Policy as we are committed to creating and maintaining a culture of openness within Caplor Horizons so that individuals feel encouraged and confident to raise any concerns relating to suspected misconduct at an early stage. We also recognise the negative effect which malpractice can have on the organisation, and therefore encourage you to raise genuine concerns, or any suspicions you may have concerning misconduct.

The procedure in this Policy is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This Policy applies to all Staff, Trustees and Advisors.

What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing. It generally involves a breach of legal, statutory or regulatory requirements or unethical, immoral behaviour. This may apply to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Miscarriage of justice
- Practices endangering health and safety
- Practices damaging the environment
- The unauthorised use of public funds
- Financial malpractice, impropriety or fraud
- Sexual, physical or verbal abuse, or bullying or intimidation of Staff, Trustees, Advisors or clients
- Abuse of authority
- Covering up wrongdoing in any of the categories above
- Other unethical conduct

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'. The UK Government has published guidance and a code of practice on whistleblowing.¹

Scope of Policy

This procedure does not replace other policies or procedures. For example, if an employee has a grievance about their working conditions they should use the Grievance Procedure (see Employee Handbook) or, if they feel that Caplor Horizons or a colleague is treating them unfavourably, they should use the Harassment and Bullying Policy (see Equality and Diversity Policy).

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf

The Safeguarding Policy gives further guidance on how Caplor Horizons avoids harm to its Staff, Trustees and Advisors and to the people with whom they work.

The malpractice can be past, present or prospective. It may have occurred inside or outside Caplor Horizons and inside or outside the United Kingdom.

Safeguards

Protection

This Policy is designed to offer protection to members of the Caplor Horizons community who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety
- to an appropriate person (see below).

Caplor Horizons recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty to Caplor Horizons and/or to those for whom Caplor Horizons are providing a service.

Caplor Horizons will treat all disclosures consistently and fairly.

Confidentiality

Caplor Horizons will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making a disclosure may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This Policy encourages individuals to put their name to any disclosures they make. Allegations expressed anonymously are much less credible, but they may be considered at the discretion of Caplor Horizons. In exercising this discretion, the factors to be taken into account will include:

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

Untrue Allegations

If an individual makes an allegation in good faith that is not confirmed by subsequent investigation no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, however, an individual makes malicious or frivolous allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

How to Make an Allegation

1. Select a person to make the allegation to. This should normally be a Co-Director but if the allegation is against one of the Co-Directors or is in any way related to the actions of a Co-Director please make the allegation to the Chair or, if you prefer, to any other Trustee.
2. If you do not want to report your concern to any of these people, you can get legal advice from a lawyer or tell a [prescribed person or body](#).²
3. Speak or write to the person you have selected. Please give them relevant information including:
 - a. Your name and preferred means of contact. These contact details will be used for all communications with you in order to preserve confidentiality.
 - b. The background and history of the allegation (giving relevant dates and names and positions of those who may be connected to the allegation)
 - c. The specific allegation
4. Someone will be selected as investigator to lead an investigation into your allegation. This may not be the same as the person you contacted.
5. The investigator will contact you to seek further information and any documents that may be relevant. You should let them know if you don't want anyone else to know it was you who made the allegation.
6. From this point on, you will not have a say in how your allegation is dealt with.
7. The investigator will keep you informed about the action they have taken and the outcome, but they cannot give you much detail if they have to keep the confidence of other people.
8. If you are dissatisfied with the outcome of the investigation, you can raise it with the Co-Directors or the Chair of the Board, giving the reasons for your dissatisfaction.
9. They will then notify you of their acceptance or rejection of the need for further investigation and the reasons for this.

How Caplor Horizons Investigates an Allegation

1. On receipt of an allegation, the person who receives and takes note of the allegation, if they are not an appropriate investigator, must pass this information, as soon as is reasonably possible, to the appropriate investigator as follows:
 - a) Allegations will be investigated by one of the Co-Directors unless the allegation is against one of the Co-Directors or is in any way related to the actions of a Co-Director. In such cases, the allegation should be passed to the Chair.
 - b) Allegations against the Chair should be passed to any other Trustee who will consult with other Trustees to nominate an appropriate internal or external investigator.
2. The investigator will contact the whistleblower for a discussion including the following:
 - a. They will listen to the allegation and gather further information as needed.
 - b. They will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.
 - c. They will seek the permission of the whistleblower for consulting colleagues: other Co-Directors, the Board and an HR Advisor if they are a Co-Director or other Trustees and an HR Advisor if they are the Chair or another Trustee.

² <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- d. They will check with the whistleblower whether they don't want anyone else to know it was them who raised the allegation.
 - e. They will warn the whistleblower that, from then on, they will not have a say in how their allegation is dealt with.
3. The investigator will acknowledge the allegation and keep the whistleblower informed about the action they've taken, the progress of the case and the outcome, but they can't give them much detail if they have to keep the confidence of other people.
4. The investigator will record details of the allegation gathering as much information as possible, including:
 - a) A record of the allegation
 - b) The acknowledgement of the allegation
 - c) Any documents supplied by the whistleblower
5. The investigator will decide on the facts of the case and take further action as appropriate.
6. If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Trustees and a decision will be made as to when and how to inform the police.
7. If a substantiated allegation concerns harm to children or vulnerable adults, the appropriate local authorities will be informed immediately, followed by the Charity Commission, though a different approach may have to be adopted if the malpractice is outside Caplor Horizons.
8. If the whistleblower is dissatisfied with the outcome of the investigation, they can raise it with the Co-Directors or the Chair of the Board, giving the reasons for their dissatisfaction.
9. They will notify the whistleblower of their acceptance or rejection of the need for further investigation and the reasons for this.

Glossary of Terms

This glossary is for guidance only, it does not have legal precision. Some of the terms overlap in ordinary speech.

An **allegation** is a claim or assertion that someone has done something illegal or wrong, generally made without giving proof.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Examples are spreading malicious rumours, ridiculing someone or deliberately undermining someone through overwork.

Disclosure is the action of making new or secret information known to someone else, for example an allegation that a third person has behaved wrongly.

Harassment is defined in the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Impropriety is a failure to behave honestly, ethically and legally.

Malpractice is a failure to act correctly or legally when doing your job.

A **miscarriage of justice** is a failure of a court or judicial system to attain the ends of justice, especially one which results in the conviction of an innocent person.

Misconduct is unacceptable or improper behaviour.

A **serious allegation** is an allegation of wrongdoing such as harassment, discrimination, theft, fraud or conflict of interest that would cause substantial harm or damage to a person or organisation.

Unethical means not morally correct: a question of morality not necessarily law.

If something is **unlawful**, the law does not allow you to do it.