



WHISTLEBLOWING POLICY

(Making a Disclosure in the Public Interest)

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1. Introduction

War Child UK (WCUK) is committed to the highest standards of openness, integrity and accountability, as outlined in its own internal Code of Conduct, Child Safeguarding and Adults at Risk: Protection from Sexual Exploitation and Abuse Policies and through signing up to the Core Humanitarian Standards. The Code of Conduct requires all WCUK representatives, including employees, interns, volunteers, trustees, consultants, service providers and ambassadors to observe, and demonstrate the highest standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of WCUK, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws, regulations and our Code of Conduct.

An important aspect of accountability and transparency is a mechanism to enable all WCUK representatives in all locations to voice concerns in a responsible, safe and effective manner. Where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told). If an employee is uncertain on whether to report or not, it is always encouraged to report in good faith.

WCUK is a member of **Protect**, the UK's whistleblowing charity, whose aim is to stop harm by encouraging safe whistleblowing. Protect defines Whistleblowing as "*A worker raising a concern about wrongdoing, risk or malpractice that affects others with someone in authority either internally and/or externally (e.g. regulators, media, Members of Parliament)*". Some organisations will use other terms in their whistleblowing policies such as 'speak up' or 'raising concerns' – these all fall within the definition of whistleblowing and mean the same thing.

This policy is designed to protect any person who discloses serious malpractice or wrongdoing and is applicable to all WCUK representatives whether based in our countries of operation or based in the UK. The UK Public Interest Disclosure Act, which came into effect in 1999, and which WCUK is accountable to, gives legal protection to all employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. As a UK registered charity, WCUK has endorsed the provisions set out below to ensure that no WCUK representative, should feel at a disadvantage in raising legitimate concerns regardless of their position or location.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed therefore to question standard every day financial or business decisions taken by the WCUK unless there is a belief of malpractice. Once the "whistleblowing" procedures have been enacted, WC requests that representatives let the process run its course and only if internal procedures have been exhausted and the complainant is not satisfied that it has been handled appropriately, that the representative seeks alternative courses of action.

2. Scope of Policy

This policy is designed to enable WCUK representatives to raise concerns internally and at a high level and to disclose information which the individual believes demonstrates malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may have been initially investigated, under another policy, but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud;
- Failure to comply with a legal obligation or Statutes applicable to the areas where WCUK is registered;
- Safeguarding concerns, including children and adults, (Safeguarding concerns can also be addressed to our confidential specific safeguarding e-mail address - safeguarding@warchild.org.uk - see section below - *Using the Whistleblowing Route for Safeguarding concerns*);
- Exchange of money, employment, goods, or services for sexual, financial, personal or political gain;
- Dangers to Health & Safety or the environment;
- Criminal activity;
- Improper conduct or unethical behaviour;
- Any other breaches of War Child's Code of Conduct
- Attempts to conceal any of these.

Personnel should share their questions, concerns, suggestions or complaints with someone they feel can address them properly. In most cases, an employee's line manager is in the best position to address an area of concern. However, if an employee is not comfortable speaking with their line manager or their concerns include actions taken by their line manager or are not satisfied with their line manager's response, they are encouraged to speak with someone in the People and Achievement / Human Resources Department or anyone in management whom they are comfortable in approaching.

If, however they are not happy following this course of action they should seek to follow the processes outlined in this Whistleblowing policy.

Difference between grievance and whistleblowing

A grievance is making a complaint about something that affects you or your **individual** employment contract. For example, if your employer doesn't pay you on time, or if you are demoted unfairly, or given an unreasonable workload.

Whistleblowing matters are those raised by those concerned about workplace wrongdoing more generally - the whistleblower is usually the **witness providing information** to the employer about a concern which it is in the public interest to raise.

Public interest would generally mean that a concern is at a level that puts the work of the charity at risk and has an impact on more than one individual (which may be better dealt with by a grievance). If in any doubt, the matter can be reported through the Whistleblowing channel.

Using the Whistleblowing Route for Safeguarding concerns

For most specific safeguarding concerns, due to their nature, it is recommended to follow the reporting procedure as outlined in the War Child UK Child Safeguarding and Adults at Risk: PSEA Policies and use the direct Safeguarding e-mail address (safeguarding@warchild.org.uk). However, there may be occasions where the Whistleblowing procedure is appropriate, these are outlined in the safeguarding policies as:

- When, for example, a senior member or staff or Child Safeguarding focal point is implicated;
- When, for example, there is a conflict of interest (e.g. your line manager is implicated);
- If you feel that you cannot raise your concern to the Child Safeguarding focal point or Child Safety & Safeguarding Advisor through the proposed reporting lines;

- If you have raised your concerns previously to the Child Safeguarding focal point and/or the Child Safety & Safeguarding Advisor and this has not been responded to.

3. Safeguards for Whistleblowers

i. Protection

This policy is designed to offer protection to those WCUK representatives 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 and if they make the disclosure to an appropriate person (see below).¹

It is important to note that no protection from internal disciplinary procedures is offered to WCUK representatives who are not reporting in good faith. In an extreme case, malicious allegations made by one employee about another, may cause the accused employee to take legal action against the person making the complaint.

ii. Confidentiality

WCUK will treat all such disclosures in a confidential and sensitive manner. WCUK will ensure that it undertakes all reasonable measures to keep the identity of the whistleblower confidential. The identity will not be disclosed unless explicit consent is given or if WCUK is legally obligated to do so or if not doing so would put someone at significant risk of harm. The individual making the disclosure may be requested to make a statement as part of the evidence required and thus the investigation process may reveal the source of the information. This will be discussed with the WCUK representative and explicit consent sought. WCUK will remain sensitive to the position this may put any WCUK representative in and will try to ensure that all necessary and appropriate provisions are put in place to manage this.

iii. Anonymous Allegations

WCUK recognises that some whistleblowers may wish to remain anonymous. All issues raised will be looked into, but it is recognised that concerns expressed anonymously can be harder to follow up or substantiate depending on the information provided.

iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not proven by a subsequent investigation, no action will be taken against that individual. In making a disclosure the individual does not need to gather evidence or have all the facts and should not undertake their own investigation into their concerns. The obligation is to report concerns in good faith. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

¹ An individual does not need to gather evidence or have all the facts before they disclose a concern and should not undertake their own investigation into their concerns.

4. Procedures for Making a Disclosure

How to make a report under this policy

Disclosures under this policy can be

- 1) Sent by e-mail to the central Whistleblowing e-mail address whistleblowing@warchild.org.uk. The whistleblowing inbox is monitored by the Head of and UK and International HR Advisors from the HQ People and Achievement Team;
- 2) A letter can be sent to Whistleblowing, War Child UK, Studio 320, Highgate Studios, 53–79 Highgate Road, NW5 1TL. Letters sent to this address will be opened by the Head of / Advisors from the HQ People and Achievement Team;
- 3) Chair of Board of Trustees, John Fallon, can be contacted through e-mail at JohnF@warchild.org.uk;
- 4) Treasurer of the Board of Trustees, Heather Francis, can be contacted through e-mail at HeatherF@warchild.org.uk.

On receipt of a complaint of malpractice, the person who receives and takes note of the complaint, must pass on this information as soon as is reasonably possible, in order that it can be investigated. See section, Investigating Procedure for further details.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to stipulate precise timescales for such investigations. The investigating lead should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Receipt of the whistleblowing complaint should be acknowledged within 3 working days in writing to the complainant by the person receiving the complaint. Follow up communication will then pass to the investigation lead (see investigation procedure).

Independent Advice

In addition to these reporting lines, War Child is a member of **Protect – Speak up, stop harm** – who are leading experts on Whistleblowing. They provide a confidential advice line for individuals who are unsure how to raise their concerns. Contact with a Protect adviser is a two-way exchange – they offer expert, practical advice by telephone, e-mail or letter – everything you share with Protect is confidential and protected by legal privilege.

They can be contacted as follows:

- Telephone - +44 (0) 20 3117 2520
- E-mail: whistle@protect-advice.org.uk
- Contact Form via their website - <https://protect-advice.org.uk/contact-protect-advice-line/>
- Letter: The Green House, 244-254 Cambridge Heath Road, London E2 9DA

Their office is open and the helpline is staffed from 9:00 to 18:00 (UK times), Monday to Friday. There is an answering machine out of hours. If you need to speak to Protect outside office hours, please contact them to arrange a convenient time for one of their advisers to contact you.

COVID-19 UPDATE: Their Advice Line is open, but on a slightly revised timetable: Mon, Tue, Thurs: 9:30 – 13:00, 14:00 – 17:30; Wed, Fri: 9:30 – 13:00. Anyone in need of advice outside of those times can reach them at whistle@protect-advice.org.uk and they can make arrangements for call backs.

5. Investigating Procedure

- Complaints of malpractice received through Whistleblowing will be passed to the appropriate Director at HQ or country level unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chief Executive Officer (CEO) for referral.
- Concerns related to safeguarding will be passed directly to the Safeguarding Advisor, unless the complaint is against the Safeguarding Advisor or is in any way related to their actions, in which case it will be passed to the appropriate Director.
- The Director will either take on the role of investigation lead or if appropriate nominate an alternative.
- In the case of a complaint, which is any way connected with but not against the Director, the CEO will nominate an appropriate Senior Manager to act as the investigating lead.
- Complaints against the CEO should be passed to the Board Chair who will nominate an appropriate investigating lead.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Board Chair. The Board Chair has the right to refer the complaint back to management if he/she feels that management, without any conflict of interest, can more appropriately investigate the complaint.
- If there is evidence of criminal activity, then the investigating lead should inform the relevant Director/CEO/Chair as appropriate who should inform the police, unless there are specific security or safeguarding concerns in the context in which WCUK operates. WCUK will ensure that any internal investigation does not hinder a formal police investigation.
- The investigating lead should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by an appropriate representative at any future interview or hearing held under the provision of these procedures.
- The investigating lead will nominate an investigating officer who will be tasked with investigating the complaint and providing a written report to the investigation lead.
- The allegations should be fully investigated by the investigating officer, including ensuring full details and clarifications of the complaint, with the assistance where appropriate, of other individuals / bodies depending on the nature of the complaint.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the investigation lead.
- The investigation lead will form a panel to decide what action to take following on from the report. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate WCUK procedures.
- The investigation lead should keep the complainant informed of the progress of the investigations and, if appropriate, of the final outcome.
- If the investigation is a prolonged one and extends beyond three months, the investigating lead should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- All responses to the complainant should be in writing and sent to the address provided by them (this may be a suitable e-mail or home address).
- Sometimes it may be difficult for the employer to let the complainant know the full outcome, if other people's rights are involved. For example, the complainant is not entitled to know if the perpetrator was disciplined, as that is likely to be confidential information between the employer and the perpetrator.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating lead, they have the right to raise it in confidence with the CEO / Board Chair.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, WCUK recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons. As an organisation with their HQ registered in the UK, the UK Public Interest Disclosure Act legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- The UK Charity Commission – whistleblowing@charitycommission.gov.uk;
- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Environment Agency;
- the Director of Public Prosecutions; and
- the Serious Fraud Office.

A comprehensive list of prescribed people and bodies can be found at:

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