

### 1. Purpose

The aim of this procedure is to provide a clear and transparent way for anyone who works or volunteers for the Coalfields Regeneration Trust (the group) to raise genuine concerns about acts of wrongdoing or malpractice in the workplace. It also aims to ensure that any concerns are dealt with effectively and in a timely fashion.

This procedure provides managers with steps to deal with allegations, ensuring that staff and volunteers are not penalised for raising genuine concerns, even if those concerns prove to be unfounded. It also provides the means for taking disciplinary action against anyone who is found to have raised false concerns with malicious intent.

### 2. The Assurance of Staff

The Trustees and Chief Executive are committed to maintaining the highest standards of honesty, openness and accountability and recognise that staff and volunteers have an important role to play in achieving this goal. The Trust takes all malpractice very seriously, whether it is committed by senior managers, staff, suppliers, contractors or others.

Staff will usually be the first to know when someone inside or connected with the Trust is doing something illegal or improper, but often may feel apprehensive about voicing their concerns. This Whistle Blowing Procedure is intended to explain to staff how to raise a legitimate concern in an appropriate way with confidence and impunity.

### 3. What sort of activities should be reported using this procedure?

It is impossible to give an exhaustive list but examples include:

- criminal offences
- failure to comply with legal or professional obligations
- miscarriages of justice
- bribery or financial fraud
- actions which endanger the health and safety of staff or others
- actions which cause damage to the environment
- actions which are intended to conceal any of the above.

The Trust would prefer you to report your concerns rather than keep them to yourself.

This procedure should not be used for complaints relating to personal circumstances or the way you have been treated at work. In these instances the Trust's Grievance Procedure should be followed by staff. For volunteers the Settling Differences Policy should be followed.

### 4. Who should a report be made to?

If you have a concern it should usually be raised internally with your manager.

If for any reason you do not wish to approach your manager you should in the first instance contact your manager's line manager or the Chief Executive. If you are a volunteer contact details can be found on the Trust's website.

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If for any reason you do not wish to approach your manager, their line manager or the Chief Executive you should in the first instance contact the Chair of the Audit & Risk Committee (identified on the Committees Structure document) via email (concerns@coalfields-regen.org.uk). If the Chair is not available to review the concerns they will arrange for an appropriate Trustee from within the Audit & Risk Committee to address the concerns raised.

Any approach will be treated with the strictest confidence.

If you do not wish to raise the matter internally, you can report to a prescribed person/body. This would generally be either to the Charity Commission, NSPCC or the Health and Safety Executive, as appropriate. A full list of prescribed bodies can be found on the Government's website. Raising matters outside the Trust when it would have been appropriate to raise it with someone within the Trust may give rise to disciplinary action including dismissal.

## **5. How does a member of staff/volunteer make a report?**

A report may be made orally or in writing. The report should explain as fully as possible the information and circumstances that gave rise to the concern. If when you report a concern you have a view on how the matter might best be resolved, it would be helpful for you to state this at the beginning of the process.

As detailed above the Trust would normally expect you to raise your concern internally to your manager or where they relate to your manager to their line manager. Every effort will be made to not disclose your identity but it cannot be guaranteed that your identity will not be disclosed. If this is the case, you will be informed and any issues you may have about this will be discussed with you.

In some cases your concern may be referred to a more senior manager.

## **6. Does a member of staff/volunteer need proof of wrongdoing to make a report?**

The Trust does not expect a member of staff/volunteer to have absolute proof of any misconduct or malpractice that is reported, but you will need to demonstrate justifiable reasons for your concern.

## **7. How will a report be investigated?**

Once a report has been made, the manager will acknowledge receipt of it in writing within five working days. It maybe that the matter will be more appropriately, dealt with under the Disciplinary or Grievance procedure. This procedure does not replace those procedures.

Where the report has been made to the Chair, the Chief Executive will provide assistance where required.

If the issue is of a relatively minor nature it maybe decided to resolve it informally within no more than seven working days of the report being acknowledged. However if the issue appears more serious, the manager must consider first whether any immediate action is needed to protect children or an adult at risk. If so, the safeguarding policies should be checked to consider what action to take.

Dependent upon the nature of the issue, the matter will be either:

- a. investigated internally and/or
- b. referred to an appropriate external body (e.g. Police, Auditors, Charity Commission) for investigation

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Unless the matter is relatively minor and can be dealt with informally, the responsible manager will arrange for an investigation to be completed as swiftly as possible (within twenty-one working days).

The investigation will be demonstrably thorough and impartial. It will be performed by the person receiving the report or delegated to an appropriate member of staff. You will be advised who will be handling the matter, how they can be contacted and what further information or assistance they may need from you. The person handling the matter will provide you support throughout the process and confirm in writing the timeframe for feedback.

The scope of the investigation will be determined by the nature of the concern. Witnesses may need to be interviewed and records may need to be scrutinised. It is also possible that advice may be needed from someone with specialist knowledge in human resources.

## **8. Outcome**

Once the investigation is completed, a report will be produced summarising the nature of the concern, the investigation process and the outcome, including specific recommendations. Measures will be taken to preserve the anonymity of the person who raised the concern. If the concerns are not upheld, this will also be made clear.

If the concern is upheld and the member of staff at the centre of it is found to have been culpable or remiss in some way, the report's recommendations will be carried out using a clear plan of action. The plan may include the use of disciplinary action, training, coaching, counselling, the implementation of new policies or procedures for the whole workforce, or a referral to the Independent Safeguarding Authority. If disciplinary action is required, the manager will report the matter to the Chief Executive and start the Disciplinary Procedure.

If it becomes apparent during the course of the investigation that a criminal offence may have been committed, the police will be informed. The investigation may have to be suspended on police advice, if they decide that they need to become involved.

Subject to any legal constraints the Trust will inform the member of staff in writing of the action taken. It may not be possible to inform them of the full details of the outcome, as this could relate to confidential third party information. If no action is to be taken in relation to the concern, the member of staff will also be informed of this fact and given the reasons why.

While the Trust cannot guarantee that a response to a reported issue will emerge in the way a member of staff might wish, every effort will be made to handle issues fairly and properly. Using the stages outlined in this procedure will help us to achieve this aim.

If on conclusion of the stages above, you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- a. HM Revenue & Customs;
- b. the Financial Services Authority;
- c. the Office of Fair Trading;
- d. the Health and Safety Executive;
- e. the Environment Agency.

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## **9. Reporting the Investigation**

The responsible manager will report the outcome of the investigation to the Management Team who will also inform the Board of Trustees.

If the member of staff is concerned that his/her line manager, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Management Team, he/she should inform the Chief Executive, who will arrange to review the investigation carried out, make any necessary enquiries and make his/her own report to the Board.

If the member of staff is concerned that the Chief Executive, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Board of Trustees, he/she should inform the Chair of the Audit & Risk Committee, who will arrange to review the investigation carried out, make any necessary enquiries and make his/her own report to the Board of Trustees.

## **10. Recording the Concerns**

The responsible manager will make accurate notes of each stage of the process, including the discussions during meetings, regardless of whether the concern is dealt with formally or informally.

Copies of these notes will be given to the member of staff who is the subject of the concern. The member of staff who raised the concern will also be given copies of notes from his/her discussion.

Notes made during the investigation and the report of the investigation, together with any notes relating to the outcome, will be kept on the file of the member of staff at the centre of the concern. These notes will not reveal the identity of the member of staff who reported the concerns.

## **11. Anonymity**

Anonymity of the person making the report will be maintained where possible.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure. If a member of staff believes they are suffering a detriment for having raised a concern, he/she should report this to the person investigating the disclosure or their line manager. This will be investigated in accordance with the Grievance Procedure with the person investigating the disclosure taking the role of the line manager.

## **12. Untrue Allegations**

If you make an allegation in good faith but it is not confirmed by investigation, no action will be taken against you. However, if it appears that you may have acted frivolously, maliciously or vexatiously the Trust will investigate this under the Disciplinary Procedure. In the case of a serious malicious or deliberately false allegation this might result in dismissal for gross misconduct.

## **13. Independent Advice**

If you are unsure whether to use this procedure or want confidential advice at any stage you can contact your union representative or the independent charity Protect. They will provide advice on the options and help you raise a concern about malpractice or wrongdoing.