WHISTLEBLOWING POLICY

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1. Introduction

1.1. Somerset Community Foundation (SCF) is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable employees, Trustees and other key stakeholders to voice concerns in a responsible and effective manner.

1.2. It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the Foundation, 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).

1.3. The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. SCF has endorsed the provisions set out below so as to ensure that no employee, Trustee or other stakeholder should feel at a disadvantage in raising legitimate concerns.

2. Scope

2.1. This policy is designed to enable SCF employees, Trustees, donors, grant applicants or any member of the public to raise concerns or to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary.

2.2. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

3. The Policy

3.1. This policy is designed to offer protection to SCF employees, Trustees, donors, grant applicants or any member of the public who discloses 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). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

3.2. SCF will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation 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.

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

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

3.4. If an individual makes an allegation in good faith, which 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 vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

3.5. On receipt of a complaint of malpractice, the person who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chair of Trustees for referral. If the complaint is against the Chief Executive and Chair of Trustees or is in any way related to the actions of the Chief Executive and Chair of Trustees together, the complaint should be passed to the Vice Chair of Trustees.
- In the case of a complaint, which is any way connected with but not against the Chief Executive, the Chief Executive will nominate a Senior Director to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of Trustees. The Chair of trustees has the right

to refer the complaint back to the Chief Executive if he/she feels that the management can more appropriately investigate the complaint without any conflict of interest.

- If there is evidence of criminal activity, then the investigating officer should inform the police. SCF will ensure that any internal investigation does not hinder a formal police investigation.

3.6. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

3.7. All responses to the complainant should be in writing and sent to their home address.

4. Investigating Procedure

4.1. The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.

- The investigating officer should inform the employee against whom the complaint is made as soon as is practically possible. The employee will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.

- The investigating officer should consider the involvement of the Foundation auditors and the Police at this stage and should consult with the Chair of Trustees / Chief Executive.

- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

- 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 Chief Executive or Chair of Trustees as appropriate.

- The Chief Executive / Chair of Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Foundation procedures.

- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

- If appropriate, a copy of the outcomes will be passed to the Foundation Auditors to enable a review of the procedures.

4.2. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive / Chair of Trustees, or one of the designated persons described above.

4.3. 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, SCF recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons, or, where justified, elsewhere.