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Whistleblowing Policy

(Making a Disclosure in the Public Interest)

Updated: March 2022

Policy Statement

Introduction

TISCA is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of the charity to voice concerns in a responsible and effective manner without fear of victimisation. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her 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 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).

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers because of publicly disclosing certain serious concerns. The charity has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the charity nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the charity.

Scope of Policy

This policy is designed to enable employees of the charity to raise serious concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety.

This policy is intended to cover any serious concerns, the airing of which is 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. 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.

Safeguards

1. Protection

This policy is designed to offer protection to those employees of the charity 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). 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.

2. Confidentiality

The charity 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. Anonymous Allegations

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 the charity. In exercising this discretion, the factors to be considered will include:

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

4. Untrue Allegations

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.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff 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:

1. In the first instance, allegations of malpractice should be made to (and will be investigated by) the General Secretary, unless the complaint is against the General Secretary or is in any way related to the actions of the General Secretary. In such cases, the complaint should be made to the Chair of the General Purposes Committee who will nominate another trustee to act as the investigating officer.
2. Complaints against the Chair of the General Purposes Committee should, in the first instance, be made to the Chairman of the Trustees who will nominate an appropriate investigating officer.

3. The complainant has the right to bypass this structure and take their complaint direct to the Chairman of the Trustees, should they so wish. The Chairman, however, has the right to refer the complaint back to either the General Secretary or the Chair of the General Purposes Committee if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

Mr Robert Court (former Head of Birkdale School and a former TISCA Chair): Robert Court<rjcourt52@gmail.com>

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

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 lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

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 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.

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

Investigating Procedure

The investigating officer should follow these steps:

1. Full details and clarifications of the complaint should be obtained.
2. The investigating officer 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 a trade union or other representative at any future interview or hearing held under the provision of these procedures.

3. The investigating officer should consider the involvement of the Charity auditors and the Police at this stage and should consult with the Chair of the Trustees.
4. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
5. A judgement concerning the complaint and validity of the complaint will be made by the Chair, having received the report of 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 Chair of the General Purposes Committee and the Trustees as appropriate.
6. The Chair of the General Purposes Committee /Chair of the Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Charity procedures, and/or a third party referral such as the police (in the case of suspected criminal activity).
7. The complainant should be kept informed of the progress of the investigations and, if appropriate, the outcome (it may not be possible to reveal the full details where this relates to personal issues involving a third party).
8. If appropriate, a copy of the outcomes will be passed to the Charity Auditors to enable a review of the procedures.

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 Chair of the General Purposes Committee /Chair of the Trustees, or one of the designated persons described above. 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, the charity recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Charity Commission, etc.), or, where justified, elsewhere

Monitoring

All concerns raised under this policy will be recorded in strictest confidence together with the outcome. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

Conclusion

This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the charity. This document is a public commitment that concerns are taken seriously and will be actioned.

Review

Policy to be reviewed every three years.

Approved at the AGM in Feb 2025

Next policy review: **February 2028 AGM**

Document Control

Version	Date	Author	Notes / Changes
V1	23/3/2022	Alix Stockwell	
V2	27/2/2025	Alastair Reid	Name of the independent person