



# ST GEORGE THE MARTYR CHARITY

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Registered Charity no 208732

## WHISTLEBLOWING POLICY

(APPROVED – MARCH 2024)

### 1. Introduction

- 1.1 'Whistleblowing' is a term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions, at work. It covers, for example, how we manage our funds, award grants or memberships, award contracts, or make payments.
- 1.2 A 'Whistleblower' may be an employee, Trustee, member, grant applicant, referrer, or anyone else that has an interest in the effective working of the Charity.
- 1.3 The aims of this policy are to:
  - provide an effective way for people to raise serious concerns
  - ensure that they receive feedback on any action undertaken by us as a result of them raising serious concerns
  - ensure that they will be protected from reprisals or victimisation for having raised a concern in good faith
  - signpost people to further options available to if they are dissatisfied with our response, or if internal investigation is not appropriate
  - allow the Charity to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so.
- 1.4 This policy applies to everyone who works for and volunteers with the Charity. This means Charity employees, Trustees, volunteers, agency workers, interns, and contractors/suppliers.

### 2. Protecting individuals using this policy

- 2.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996, and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below.
- 2.2 These are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that any of the following have taken place:
  - a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice)
  - a miscarriage of justice
  - an act creating risk to health and safety
  - an act causing damage to the environment

- a breach of any other legal obligation, or
- concealment of any of the above.

- 2.3 It is not necessary for a person to have proof that such an act is being, has been, or is likely to be, committed. They do, however, need to hold a reasonable belief of such an action having been, being or likely to be carried out.
- 2.4 If an employee makes such a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even were it to materialise that they were genuinely mistaken. The Charity will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith.
- 2.5 Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees. However, we want to promote and encourage an open and honest environment in which concerns can be freely raised. We will therefore, in so far as is possible, aim to treat all individuals making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

### **3. Malicious disclosures**

- 3.1 If it is found that an employee has maliciously raised a matter which they know to be untrue or they are involved in any way in the malpractice, wrongdoing, or illegal acts or omissions, their may behaviour may be addressed through the appropriate Charity policy.

### **4. Non-whistleblowing concerns**

- 4.1 This policy is only to be used in the exceptional circumstances as outlined in 2.2 above. There are other Charity policies that will be relevant in other circumstances. These include, but are not limited to:
- safeguarding
  - bullying and harassment
  - disciplinary
  - grievance.

### **5. Raising a concern**

- 5.1 You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly. You can make your disclosure orally, but written disclosures are preferable as these will make the process more efficient and effective.
- 5.2 In your disclosure, you should:
- provide any relevant context and background, including relevant dates, venues, names etc
  - state clearly the reason why the situation causes for concern.
- 5.3 You must say that you are raising your concern using the whistleblowing policy and whether you wish your identity to be kept confidential. While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, you will be informed of this and the reasons why it was not possible.
- 5.4 We will consider anonymous disclosures, but we do not encourage them as anonymity often makes it difficult to properly investigate concerns, protect employees or give feedback on outcomes.

- 5.5 Employees should always look to raise the matter with their line manager in the first instance. Where this is not appropriate because they may be involved in the alleged malpractice, wrongdoing or illegal acts or omissions in some way, employees should raise their concern with the Chair or Vice-Chair of the Board of Trustees.

## **6. What happens after a concern is raised?**

- 6.1 A disclosure will always be acknowledged within five working days. It will be investigated by the person the concern was raised to. This will usually be the Clerk or the Chair/Vice-Chair of the Board of Trustees.
- 6.2 They will arrange to meet you as soon as possible, away from the workplace, if necessary, to enable you to explain your concern in confidence. As per section 5.3 above, we may not always be able to keep your details confidential, but we will always let you know if it is not possible to do so.
- 6.3 You will be told either at the meeting or as soon as possible afterwards, what action will be taken to address the concern you have raised. Where action is not taken, you will be informed and given an explanation. The action taken in response to a disclosure will depend on the nature of the concern.
- 6.4 Typically, the matters raised may result in one or more of the following:
- no action required
  - action being taken under other Charity policy or procedure
  - an internal investigation under this policy
  - a referral to the police or relevant statutory body
  - a referral to the Charity's auditors
  - a referral to the Charity Commission
  - an independent enquiry.
- 6.5 If the Clerk receives a potential whistleblowing concern s/he must notify the Chair or Vice-Chair of the Board of Trustees (unless either is implicated) immediately that a concern has been raised and inform them of progress in resolving the concern.
- 6.6 An independent enquiry may be carried out by an appropriately qualified, independent person or agency. This could be the Charity's independent account, auditor, an officer of the local authority or other statutory body.

## **7. Raising a concern externally**

- 7.1 We strongly encourage anyone having serious concerns to exhaust the internal processes set out above in the first instances.
- 7.2 In exceptional or urgent circumstances, however, or where, having made a disclosure, you are unhappy with the outcome, you have a legal right to make a disclosure to prescribed bodies. These include but are not limited to:
- the Charity Commission;
  - HM Revenue & Customs;
  - the Health and Safety Executive;

- 7.3 Similar to the rights and obligations of an employee, the Charity reserves the right to make a referral to any of the above agencies without your consent.
- 7.4 Disclosures to the press will not be considered reasonable and may constitute Misconduct if made by an employee. As such, the matter might be treated as a disciplinary matter in accordance with our disciplinary and grievance policy and procedure.

**8. Review**

- 8.1 This policy should be reviewed every 3 years

<b>Date Approved / Reviewed</b>	<b>Who</b>	<b>Review Date</b>
March 2024	Board of Trustees	March 2027