

WHISTLEBLOWING POLICY

1. Introduction

The Brain Tumour Charity conducts its activities at all times with the highest standards of integrity and honesty. It expects all its staff and volunteers to maintain the same standards in everything they do. It is important that any fraud, misconduct or wrongdoing by representatives of The Charity is reported and properly dealt with. The Brain Tumour Charity therefore encourages all individuals to raise any concerns that they may have about the conduct of others in The Charity or the way in which The Charity is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Aim

The aim of this policy is to enable and encourage staff and volunteers to raise genuine concerns about possible wrongdoing at work without fear of reprisal and to reassure them that such matters will be dealt with seriously and effectively by The Charity internally.

It is particularly important to state that this policy is separate from The Charity's Disciplinary & Grievance Policy and Procedure, which relates to general concerns which a member of staff or volunteer may have about their own personal circumstances. This Whistleblowing Policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to the leadership team's attention. These may not necessarily be related to the whistleblower's area of work.

3. Application

This policy applies to all Charity staff, trustees and volunteers.

4. Background

The law provides protection for employees who raise legitimate concerns about specified matters and this policy extends this to volunteers. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by a person who has a reasonable belief that:

- 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;

is being, has been, or is likely to be, committed. It is not necessary for the person to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The person has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A person who makes such a protected disclosure has the right not to be dismissed, subjected to any other adverse treatment, or victimised, because they have made a disclosure.

In addition to the situations listed above, this policy also covers issues relating to the Code of Fundraising Practice in the UK, examples of which would include:

- Not restricting funds as agreed with the donor
- Placing pressure on a donor to donate
- Exaggerating the facts relating to the potential beneficiaries

The Charity encourages staff or volunteers to raise their concerns under this procedure in the first instance. If they are not sure whether or not to raise a concern, they should discuss the issue with their line manager, the Head of Talent or Volunteer Development Manager.

5. Procedure

5.1 Who to disclose to

5.1.1 In most cases, a member of staff or volunteer should raise any concerns they may have internally within The Brain Tumour Charity. Any matters not covered by this policy, will be dealt with by using The Charity's Disciplinary & Grievance Policy and Procedure or Non Harassment Policy (as appropriate).

5.1.2 The member of staff or volunteer should raise their concerns with a member of the Senior Leadership Team who is not responsible for the area in question and to whom the individual does not report.

5.1.3 If the member of staff or volunteer remains unhappy about the speed or conduct of any further action taken or the way in which their concerns have been resolved, they should refer the matter to the Chair of the Governance and Ethics Committee (whistleblowing@thebraintumourcharity.org).

5.1.4 If a member of staff or volunteer feels it is inappropriate to raise their concerns directly with anyone who is part of the day-to-day management of The Charity, then they are entitled to contact the Chair of the Governance and Ethics Committee, by emailing them directly (whistleblowing@thebraintumourcharity.org) or to contact any member of Trustees. A list of current Trustees is available on the Charity's website and a Trustee's personal email address may be requested from the Charity's Talent team or Director of Finance and Governance. The Governance and Ethics Committee will then appoint the most appropriate board member to investigate who will report back to The Committee.

5.1.5 A member of staff or volunteer must not approach individuals involved in their disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

5.1.6 The Charity would urge staff and volunteers to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external person or body. Legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Charity Commission;
- the Health and Safety Executive; and
- the Environment Agency.

In addition, issues relating to fundraising practices can be disclosed to the Fundraising Regulator.

5.1.7 Disclosures to the press will not be considered reasonable. They will constitute misconduct and will be treated as a disciplinary matter in accordance with The Charity's Disciplinary & Grievance Policy and Procedure.

5.1.8 If, at any stage in the procedures, employees or volunteers are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at Public Concern at Work. This body is an independent charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on who else the worker may contact about what legal protection may be available. Public Concern at Work may be contacted at: www.pcaw.co.uk or by phone on 020 7404 6609. The Employee Assistance Programme (EAP) service is also able to offer free and confidential legal and practical advice to employees, they can be contacted on 0800 075 1660 (quote Perkbox) or at www.colleaguesupport.co.uk (use 72140 for username and password).

5.1.9 Professional Associations and Trade Unions can also offer advice to members considering raising concerns.

5.2 Dealing with disclosures

5.2.1 If a member of staff or volunteer reports a disclosure, the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented.

5.2.2 The Charity believes that all staff or volunteers should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If a concern is raised anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If, contrary to this policy, they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, i.e. it may not be possible to protect unidentified people.

5.2.3 The responsible person to whom the disclosure is made will arrange an investigation into the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior or appropriate position). The investigation may involve the disclosing person and other individuals involved giving a written statement or being interviewed. Any investigation will be carried out in accordance with the principles set out above. The disclosing person's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

5.2.4 Once the investigation is complete, the investigator will then report to the Senior Leadership Team, which will take any necessary action, including reporting the matter to the Governance and Ethics Committee or any appropriate government department or regulatory agency. If disciplinary action is required, the investigator will report the matter to the Head of Talent who will start the disciplinary procedure. Similarly, if action relating to the Volunteer Agreement is required the matter will be reported to the Volunteer Development Manager. The employee or volunteer will be given a prompt and thorough explanation about the result of the investigation and any action The Charity is likely to take as a result of it. If no action is to be taken, the reason for this will be explained.

5.2.5 The Charity recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission. Where this is necessary, The Charity reserves the right to make such a referral without the reporting employee or volunteer's consent.

5.2.6 Any member of staff or volunteer who has a genuine reason for their disclosure should feel confident in bringing forward their concerns.

5.2.7 The Charity will not tolerate anybody being subjected to adverse treatment as a result of their making a disclosure in good faith. In the event that any member of staff or volunteer believes that they have been subject to adverse treatment by anyone within The Charity for this reason, they must inform the Chair of the Governance and Ethics Committee immediately and appropriate action will be taken to protect them from any reprisals.

5.2.8 If anyone should try to discourage an employee from coming forward to express a genuine concern, The Charity will treat this as a disciplinary matter. In the same way, if anyone criticises or

victimises anybody or otherwise subjects them to adverse treatment for raising a concern this will be treated as a disciplinary matter.

5.2.9 However, if it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another member of staff or volunteer), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with The Charity's Disciplinary & Grievance Policy and Procedure.

5.2.10 Any member of staff or volunteer who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken. What is this policy and what is its purpose

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