

Dated: 11<sup>th</sup> October 2023



---

## WHISTLE-BLOWING POLICY AND PROCEDURE

---

## **KEY POINTS**

The Whistle-blowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

Newbury Soup Kitchen is committed to the highest standards of transparency, probity, integrity, and accountability.

This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity, or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public's interest to do so from being victimised, discriminated against, or disadvantaged.

This procedure does not replace other policies and procedures such as the complaints procedure, Anti-Bullying and Harassment Policy and other specifically laid down statutory reporting procedures.

This procedure is intended to ensure that Newbury Soup Kitchen with its duty under the Public Interest Disclosure Act 1998.

This procedure applies to Newbury Soup Kitchen volunteers, trustees, and affiliated agencies.

This procedure does not replace other Newbury Soup Kitchen policies or procedures. For example, if a volunteer has a grievance about their working conditions, they should use Newbury Soup Kitchen Complaints Policy or, if they felt that their team leader or other volunteers was treating them unfavourably, they should use Newbury Soup Kitchen Anti-Bullying and Harassment Policy. Similarly, if a volunteer has a concern about the conduct of a fellow volunteer in the working environment (e.g., that they are not treating volunteers or clients with respect) they should raise these with the CEO or Lead Volunteer. If that is not possible with the Chair, Trustees or Charity Commission Whistle-Blowing Policy.

[whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk)

This procedure applies to, but not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety Risks
- The unauthorised use of public funds
- Possible fraud and corruption; sexual, physical, or physical or verbal use, bullying or intimidating of employees, customers, or service users.
- Abuse of authority
- Other unethical conduct

## **REPORTING**

Contact details for reporting (in writing):

Newbury Soup Kitchen  
Chairperson  
1 Hambridge Lane  
Newbury RG14 5TU

Newbury Soup Kitchen recognises that the decision to make an allegation can be a difficult one to make. However, whistle-blowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear. They are doing their duty either to the organisation and/or to those who provide or receive a service from the organisation. Soup Kitchen will take appropriate action to protect a whistle-blower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment, or victimisation.

### **CONFIDENTIALITY**

All allegations will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise requests. However, if the matter is subsequently dealt with through other The Newbury Soup Kitchen procedures such as the Disciplinary Procedure.

If the allegation results in court proceedings, then the whistle-blower may have to give evidence in open court if the case is to be successful.

Newbury Soup Kitchen will not, without the whistle-blowers consent disclose the identity of a whistle-blower to anyone other than the person involved in the allegation/investigation.

### **ANONYMOUS ALLEGATIONS**

This procedure encourages whistle-blowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to sustain/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the CEO/Chairman/Trustees.

In exercising discretion to accept an anonymous allegation the factors to be considered:

- The seriousness of the issue raised
- The credibility of the allegation
- Whether the allegations can be realistically be investigated from factors or sources other than the complainant.

### **UNTRUE ALLEGATIONS**

No disciplinary or other action will be taken against a whistle-blower who makes an allegation in the reasonable belief that it is in public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistle-blower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g., making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

### **PROCEDURES FOR MAKING AN ALLEGATION**

- It is preferable for allegations to be made to a volunteer's team leader to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that the team leaders are involved it would be inappropriate to raise It

directly to them. The whistle-blower may then make an allegation direct to any of the following:

- CEO
- The Chairman
- A Trustee

If either of the above receive an allegation he/she will consider the allegation and may discuss with either the Chairman or other Trustees. The team leader or either/or both of the both, after consideration, will discuss with the whistle-blower and if they wish to proceed with the allegation will be investigated.

### **ALLEGATION**

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation).
- The specific reason for the allegation. Although someone making an allegation will not be expected to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making the allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at the stage be in accordance with the relevant procedure.

### **ACTION ON RECEIPT OF AN ALLEGATION**

The team leader will record details of the allegations gathering as much information as possible, (within 5 working days of receipt of the allegation)

Including:

- The record of the allegation
- The acknowledgement of the allegation
- Any documents supplied by the whistle-blower

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud, or other financial irregularity the Treasurer will be informed within 5 working days of receipt of the allegation. The Treasurer will determine should be investigated and the method of investigation.

If the allegation disclosed evidence of a criminal offence it will be immediately be reported to the board of trustees and a decision will be made as to whether to inform the police. If the allegation concerns suspected harm to vulnerable adults, the vulnerable adults policy, Mental Capacity Act Policy and Deprivation of Liberty and Safeguarding Policies should be referred to.

**TIMETABLE**

- Acknowledge the allegation in writing within 10 working days.
- An Indication of how Newbury Soup Kitchen propose to deal with the matter
- An estimation of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms
- Indication whether further investigations will take place and if no, why not

Where the allegation has been made internally and anonymously, obviously the Chair will be unable to communicate once action has been taken.

**SUPPORT**

Newbury Soup Kitchen will takes steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistle-blower is requested to give evidence in criminal or disciplinary proceedings the chair will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Newbury Soup Kitchen accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will those making allegations of the outcome of any investigation.

**RESPONSIBILITY FOR THE PROCEDURE**

A register will record the following details:

The Chair and Treasurer of Trustees have overall responsibility for the operation of this procedure and for determining the administrative processes to be followed and the format of the records to be kept.

**MONITORING**

A register will record the following details:

- The name and status (eg employee) of the whistle-blower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegations
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The register will be confidential and only available for inspection by the Board of Trustees. The Char will report annually to the Board of Trustees on the operation of Procedures and on the whistle-blowing allegations made during the period covered by the report. The report will be in a form which does not identify whistle-blowers.

