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| Your group logo/nameDisclosure/Whistleblowing PolicyYour group/charity registration number |
| This policy and guidance will be reviewed annually or if there are any changes in the related legislation or when an incident dictates. This will ensure that this document is current and fit for purpose.  |
| This policy was approved by name of person with authority within the group  |
| Date of implementation  |

**Contents;**

1. Background
2. Serious incidents YOU need to report
3. How to report a serious incident
4. Charity Commission reporting
5. What happens after you report an incident?
6. How to disclose/Whistle blow as a charity employee or volunteer

1. **Background**

A **whistle-blower** is an employee/volunteer that reports an employer for misconduct. There are laws that protect **whistle-blowers** from being fired or mistreated for reporting misconduct. One of these laws is the **Whistle-blower** Protection Act.

1. **Serious incidents you need to report**

Report any serious incident that results in – or risks - significant:

* loss of your charity’s money or assets
* damage to your charity’s property
* harm to your charity’s work, beneficiaries or reputation

Serious incidents include:

* fraud, theft or other significant loss
* a large donation from an unknown or unverified source
* links to terrorism or to any organisation that’s ‘proscribed’ due to terrorist activity
* a disqualified person acting as a trustee
* not having a policy to safeguard your charity’s vulnerable beneficiaries
* not having ‘vetting’ procedures in place to check your prospective trustees, volunteers and staff are eligible
* suspicions, allegations or incidents of abuse of vulnerable beneficiaries

Any actual or suspected criminal activity within or involving your charity is a serious incident. Report a serious incident if your charity is being investigated by the police or another regulator for any reason.

If you and the other trustees fail to report a serious incident, The Commission may consider this to be mismanagement and take regulatory action.

1. **How to report a serious incident**

Report an actual or suspected incident by emailing the Charity Commission as soon as you are aware of it. Make sure you say what happened and how you are dealing with the incident. You need to do this even if you’ve already reported it to the police or another regulator.

1. **Charity Commission reporting**

The commission’s detailed guidance on reporting serious incidents explains what to report for each type of incident.



[Reporting serious incidents: guidance for charity trustees](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375979/Reporting_Serious_Incidents_LowInk.pdf)

Report a serious incident to the commission by email.

Legal requirement: if your charity’s income is over £25,000, you must confirm in your annual return that you’ve reported any serious incidents to the commission.

1. **What happens after you report a serious incident?**

The commission will let you know it’s received your report and will look at how you are dealing with the incident. It will only contact you again if it:

* needs more information about the incident
* has to give you regulatory advice and guidance
* has to use its legal powers to protect your charity
1. **How to disclose/whistle blow as a charity employee/volunteer**

Charity employees/volunteers can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission.

The Commission asks that whistleblowing reports are made in writing via the dedicated whistleblowing email address.

These employee/volunteers have some protection in law under the Public Interest Disclosure Act (the Act) from detrimental treatment or victimisation from their employer if, in the public interest, they report concerns about serious wrongdoing at their charity to the commission, provided that the concerns they report meet the conditions in the Act for a ’protected disclosure’**.**

**The Act protects charity employees/volunteers in a number of ways, for example:**

If a charity employee is dismissed because they have made a protected disclosure that will be treated as unfair dismissal

They have a right not to be subjected to any ‘detriment’ by their employers on the ground that they have made a protected disclosure, and to present a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure

**For a disclosure to the commission regarding a charity to be protected by the Act’s provisions:**

* it must relate to at least one of the following matters that ‘qualify’ for protection:
* a criminal offence
* the breach of a legal obligation
* a miscarriage of justice
* a danger to the health and safety of any individual
* damage to the environment
* deliberate concealment of information tending to show any of the above five matters
* the employee must:
* reasonably believe that the relevant failure relates to ‘the proper administration of charities and funds given, or held, for charitable purposes’
* reasonably believe that the information disclosed and any allegation contained in it are substantially true
* It should be noted that where an employee is victimised for making a disclosure to the commission, any claim they may have under the Act is against his or her employer and not against the commission.

How the commission deals with disclosures from whistle-blowers

The commission considers whistleblowing disclosures in the same way that it considers complaints about charities from other sources.

The commission’s guidance Complaints about charities explains in general terms what happens when a concern is raised with the commission and gives examples of the powers it has to investigate these concerns and to put matters right. The action the commission will take as a result of the concerns brought to its attention will of course depend on the nature of these concerns.

The commission will respect confidences so far as it is able, with due regard to the individual’s rights to privacy under data protection and human rights legislation. However, a person who is subject to any enquiries made by the commission is entitled to know the nature of the allegations being made. Any person criticised by the commission as a result of any enquiry has a right to be told the nature of the evidence upon which the criticism has been based.

While the commission will take every step to try to ensure that a complainant’s identity is not revealed without their consent, in some cases the nature of the allegations or evidence may give an indication as to their source. Also, in limited cases there may be an obligation to reveal information under freedom of information legislation or by order of the court in legal proceedings.

Information obtained in the course of an inquiry made under s46 of the Charities Act 2011 may, in the public interest be published in an inquiry report.

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| Name | Signed  | Date |
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