



The Access Project - Whistleblowing Policy

Updated August 2020 - Next Review August 2021

1. Our Commitment

The Access Project (TAP) is built on strong partnerships with our community of volunteer tutors, schools, students, supporters and businesses, and we are committed to working with honesty and integrity in all areas. It is vital that everyone within this community, including staff, shares this commitment and feels able to deliver our mission with confidence.

However, we recognise that there may be instances where We, or people working within TAP, do not get this right. The aim of this whistleblowing policy is to encourage employees and others who have serious concerns about any aspect of The Access Project's work to come forward and voice those concerns.

2. Scope of the Policy

It is important to TAP that any fraud, misconduct or wrongdoing by staff or others working on behalf of TAP is reported and investigated with appropriate measures taken.

This policy aims to:

- provide an effective procedure for concerns to be reported and feedback given to the reporter on any action undertaken.
- ensure reporters are protected from victimisation from having raised their concern.
- identify routes of reporting should you be unsatisfied with the response or if internal reporting is not appropriate.
- allow TAP to take action against staff who make malicious, false or vexatious allegations.

This policy applies to anyone who works for and volunteers with TAP, including employees, volunteers, agency workers, interns, and contractors.

3. Definition of Whistleblowing

Whistleblowing is the term used when someone who suspects wrongdoing at TAP makes a formal disclosure that alleges corruption, malpractice or wrongdoing. This extends to individuals making a formal disclosure which relates to the charity's fundraising or marketing practices.



4. Grievance Versus Whistleblowing

Grievances generally refer to the employee and their employment and include matters such as pay and working hours, working conditions or the behaviour of others towards them. These matters should not ordinarily form the basis of a disclosure under this whistleblowing procedure. A disclosure might exist where the employee, volunteer or other associated person genuinely believes that the conduct of another amounts to a qualifying disclosure as listed in section 5.

Grievance	Whistleblowing
An employee makes a complaint to their manager in writing around changes to the content of their role and the type of work they are being asked to undertake.	An employee, volunteer or other associated person has been instructed to carry out actions they genuinely believe to be illegal e.g. to falsify tax records. The employee, volunteer or other associated person challenges this request and is instructed to continue this practice.
An employee raises the subject of the amount of hours they have worked for the last month.	A requirement to work excessive hours imposed by TAP on a group of staff representing a breach of the working time legislation.
A supporter feels that a recent fundraising campaign was upsetting or highlighted emotionally challenging issues.	A member of the public has reason to believe that The Access Project has exploited a supporter's credulity, lack of knowledge, or apparent need for care.

5. Protecting Individuals using this Policy

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been, or is likely to be, committed:

- A criminal offence;
- 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
- Deliberate attempt to conceal any of the above;

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility



for investigating the matter - it is TAP's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure in good faith has the right not to be dismissed, subjected to any other detriment, or victimised, even if it were to materialise that the individual was genuinely mistaken. This means that continued employment and opportunities for future promotion or training will not be prejudiced after raising a qualifying concern.

Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees. At TAP, 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.

6. Malicious Disclosures/ Involvement in Malpractice

Malicious, false or vexatious allegations will be treated as a serious disciplinary offence. An instruction by any member of The Access Project workforce to cover up wrongdoing is itself very serious and will be treated as a disciplinary matter.

7. Raising Concerns

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.

Where 'reasonable belief' of corruption, malpractice or wrongdoing is reported, it will be taken seriously. Any matter raised under the policy and procedure will be investigated thoroughly, promptly and confidentially.

a. How to raise a concern

You can make your disclosure orally but written disclosures are preferable as these will make the process more efficient and effective. 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.

You must say that you are raising your concern using the whistleblowing policy and whether you wish your identity to be kept anonymous.

In view of the protection provided for raising a concern, The Access Project encourages individuals to consider disclosing their name. However, it is acknowledged there may be special or unusual circumstances where an individual considers it necessary to make an



anonymous disclosure. Where the individual raising the concern states that they want their identity to remain confidential, their identity will not be disclosed without their consent unless required by law, for example in the event of a police investigation.

During any investigation, the matter will remain confidential, and will only be communicated to individuals who are required to be involved. This could include those investigating the matter or any witnesses.

b. Who to raise a concern to

In the first instance, you should raise concerns with your line manager.

If you are concerned that your line manager:

- is involved in the wrongdoing,
- has failed to make a proper investigation or
- has failed to report the outcome of the investigations to the relevant person,

you should escalate the matter to the appropriate person as set out in the Escalation Table at the end of this document. This person will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the next person in the Escalation Table.

Any approach to the more senior person will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

c. Investigation process

Your line manager (or the appropriate person in accordance with the escalation table) will arrange for an investigation into the matter, either by investigating themselves or immediately passing the issue to someone in a more senior position.

- Your disclosure will be acknowledged within 3 working days.
- The person investigating will arrange a meeting with you as soon as possible to discuss your concerns.
- You and other individuals involved may be asked to provide a written statement. During the investigation, your statement will be taken into account, and you may be asked to comment on any additional evidence obtained.
- Your line manager (or the person who carried out the investigation) will then report to the CEO who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.
- If disciplinary action is required, your line manager (or the person who carried out the investigation) will report the matter to HR for advice and will start the disciplinary procedure.
- On conclusion of any investigation, you will be told the outcome of the investigation and what TAP has done, or proposes to do, about it.



- If no action is to be taken, the reason for this will be explained.

d. Raising a concern externally

If on conclusion of the investigation you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office;
- the Charity Commission
- the Fundraising Regulator
- the Care Quality Commission;
- the Children’s Commissioner;
- the National Society for the Prevention of Cruelty to Children;
- the Health and Care Professions Council;
- the Chief Inspector of Education, Children’s Services and Skills;
- the Homes and Communities Agency;
- the Pensions Regulator;
- the Information Commissioner.

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014 via the following link:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

8. Disclosure to the Media

Unauthorised statements to the media by any person employed, volunteering or associated with The Access Project are never an accepted form of whistleblowing.

If any employee, volunteer or other associated person makes any unauthorised statement to the media, it will be treated as serious misconduct and in the case of an employee may be subject to disciplinary action, up to and including dismissal.

9. Escalation of concerns

1. Your line manager (or UAO for volunteers)
2. The director of your function



3. CEO of TAP
4. The Chair of Trustees
5. Relevant Authority
Note: If your concern is about the CEO or a trustee, you should contact the Operations Director - stuart@theaccessproject.org.uk