

## **IDS Whistle-blowing Policy**

**Owner: Company Secretary**

**Replaces existing policy**

### **Introduction**

The purpose of this policy is to set out the protection available to you if you report genuine and legitimate concerns about IDS and / or its people which will expose malpractice or other similar matters.

The Public Interest Disclosure Act 1998 as amended by the Enterprise and Regulatory Reform Act 2013 (covering England, Scotland and Wales), and the Public Interest Disclosure (Northern Ireland) Order 1998 (for Northern Ireland) in conjunction with the Employment Rights Act 1996 provide a framework of legal protection for employees who disclose information about an organisation and / or its employees which will expose law breaking or matters of similar concern within that organisation. The legislation protect such “whistle-blowers” from victimisation and / or dismissal. The legislation specifically protects employees.

This policy applies where you genuinely and in good faith believe the following is or may occur:

- that a criminal offence has been, is being or is likely to be committed including bribery offences under the UK Bribery Act 2010
- that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he or she is subject.
- that a miscarriage of justice has occurred, is occurring, or is likely to occur.
- that the health and safety of any individual has been, is being, or is likely to be endangered through an egregious act or omission and lack of a duty of care.
- that the environment has been, is being, or is likely to be damaged through acts or omissions in opposition to IDS policy and/or the Environmental Protection Act 1990.
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being, or is likely to be deliberately concealed.
- that any member of IDS staff, partner or affiliate of IDS is acting in such a way which gives rise to real or perceived abuses of power, including, but not limited to those aimed at children or vulnerable adults.

These would include, but not be limited to – theft, fraud, financial mismanagement, intellectual property infringement, and endangering the health and safety of staff or the public.

You only need to raise a reasonable suspicion. You do not have to provide evidence that the malpractice or misconduct has occurred. You will not though be protected from the consequences of making such a disclosure if, by doing so, you commit a criminal offence.

### **IDS' Responsibilities**

IDS is committed to ensuring that breaches of the law, malpractice etc. are prevented, or where they do occur, that they are dealt with immediately. IDS will make every effort to deal consistently with disclosures under this policy in a fair, objective and discreet manner. If you have concerns about malpractice within the Institute, you will not be punished or victimised for your disclosures of confidential information, provided these are given in the reasonable belief that they are in the best

interests of IDS. Any victimisation or harassment of an employee by other employees for having raised a legitimate concern will be dealt with under the Disciplinary Procedure as appropriate.

### **Staff and Relevant Person's Responsibilities**

Everyone is responsible for the following:

- Reporting any suspected, attempted or actual mal-practice immediately they become aware of the matter. Disclosures should be made in the interests of IDS and you should have a reasonable belief the information disclosed and any allegations are substantially true
- Where the matter is about the manner of an individual rather than the conduct of the Institute then you should, in the first instance, where appropriate, raise the issue with that individual
- Reporting to the HR team immediately if you believe you are being subject to detriment by anyone within the organisation because of your decision to invoke the procedure. The HR team will then act to protect you appropriately

### **Staff Protection**

As an employee, you are protected by the legislation raising matters externally with “prescribed persons”. The Charity Commission (England and Wales) is the regulatory body to which appropriate disclosures can be made on matters relating to the administration of charities. Other regulatory bodies defined as “prescribed persons” include: The Health and Safety Executive, and The Pensions Regulator – contact details below.

Employees may be able to claim unfair dismissal if they are dismissed or victimised for disclosures under the legislation. They may complain to an employment tribunal if they have suffered detriment as a consequence of making a protected disclosure but any award may be reduced by 25% if made in bad faith.

The Whistle-blowing Register is maintained by the HR Team on behalf of the Company Secretary.

### **Frivolous, Malicious, or Vexatious Allegations**

For this policy to apply the employee/relevant person must have a reasonable belief that the disclosure is being made in the interests of IDS and tends to show that malpractice is occurring within IDS. Where frivolous, malicious, vexatious allegations, or repeated allegations are made this will constitute gross misconduct handled under the Disciplinary Procedure for staff.

This policy does not replace the Grievance Policy, which should be used for matters, which relate to personal issues, or concerns about IDS, other employees or other volunteers.

### **Additional Contacts**

Should the nature of the matter be such that reporting it, or obtaining advice via the Company Secretary be inappropriate then the following alternatives are available via the Director of Human Resources:

Chair of the Board of Trustees – Deepak Nayyar [nayyar.deepak@gmail.com](mailto:nayyar.deepak@gmail.com)

Chair of the Resources, Audit and Risk Committee – Natasha Clayton [natashahouseman@gmail.com](mailto:natashahouseman@gmail.com)

The Chairmen of the Board of Trustees and Resources & Audit Committee may refer the matter back to management if they consider there are no conflicts of interest and it is more appropriate that management investigate these issues.

If you are unsure whether you should raise an issue under this policy, or you need external advice as to how to do so Public Concern at Work (020 7404 6609, [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)) provide free confidential advice. Public Concern at Work is a charity with the objective of promoting compliance with the law and good practice.

Advice may also be available from:

**Health and Safety Executive**, East Grinstead House, London Road, East Grinstead, West Sussex, RH19 1RR Tel. No. 01342 334 200

**The Pensions Regulator**, [wb@tpr.gov.uk](mailto:wb@tpr.gov.uk), Tel. No. 0845 600 7060

**Charity Commission (England & Wales)**, PO Box 1227, Liverpool, L69 3UG Tel. No: 0845 3000 218

If a whistleblowing concern relates to a FCDO funded project or activity, staff should be aware of how to raise concerns directly with FCDO where this is appropriate. IDS is committed to reporting whistleblowing events to FCDO as part of our contractual obligations but if there are circumstances in which you feel it is appropriate to report directly to FCDO then the following options are available: The Internal Audit Department's (IAD) Counter Fraud Section is the central point for raising concerns, suspicions and/or allegations of fraud, sexual exploitation and abuse or other corrupt practices. This includes both internal and external cases where FCDO funds, assets or interests (including FCDO's reputation) are involved, as well as any breach of the Civil Service Code. IAD's Counter Fraud Section has a dedicated secure email address for raising all concerns: [reportingconcerns@fcdo.gov.uk](mailto:reportingconcerns@fcdo.gov.uk)

Alternatively, any concerns can be reported by calling the confidential hotline on +44 (0)1355 843747 or by writing to the Head of Internal Audit, 22 Whitehall, London, SW1A 2EG, United Kingdom.

### **Procedure**

If you wish to raise or discuss any issues which might be subject to this policy, please contact the Company Secretary (Tim Catherall [t.catherall@ids.ac.uk](mailto:t.catherall@ids.ac.uk) Tel +44 (0)1273 915758). If the nature of the issue deems the Company Secretary to be an inappropriate point of contact, please contact one of the contacts listed in the Additional Contacts section. The following will then happen:

- You will be encouraged to give your name as anonymous information is difficult to investigate.
- If appropriate you may be asked to put your concerns in writing. The matter will though be discussed fully with you.
- A meeting will be held as soon as is practicably possible after the matter has been raised.
- The matter will then be assessed, as will its possible impact on the charity. If it can be resolved you will receive a written note of the decision and any action proposed.
- If further action is needed an investigation will be undertaken. Decisions will be taken on how to handle the case, including your contact arrangements. You may need to attend an investigative hearing as a witness. Senior managers may be involved. Steps will be taken to ensure that your working environment and/or working relationship is/are not prejudiced by the fact of your disclosure.
- Disclosures will be treated in a sensitive and confidential manner

- Efforts will be made to find independent and separate evidence for any reported suspicion. However, it may not be possible to progress or conclude matters unless the reporting individual is prepared to have their name cited in wider discussions. In such a situation, your consent would usually be obtained before further action is taken.
- The investigation process may reveal the source of the information. The individual making the disclosure may need to provide a statement as part of the evidence gathering.

### Partners and affiliates

If you are a partner or an affiliate with a tangible and legitimate connection with IDS, whether a donor, sub-grantee, contractor, volunteer, associate or visiting fellow and you have a concern which you feel should be reported under this whistleblowing policy, you should follow the procedures under “Procedures”. If you feel this is not appropriate, you should report to your named sponsor or contact at IDS, or use the “Additional Contacts” referenced here.

Issue Number	Date	Changes Made	Owner	Approved By	Date of next review
4	Feb 2023	Update contacts and DFID to FCDO	Tim Catherall	SLG	Feb 2026
3	Dec 2018	Update contacts, additional text to Introduction and Partners and Affiliates added	Tim Catherall	SLG	Sept 2021
2	Sept 2018	Update contacts	Tim Catherall	SLG	Sept 2021
1	Feb 2018	First issue	Tim Catherall	SLG	Dec 2018