



# Whistle-blowing Policy and Procedures for the Global Anaesthesia Development Project

## **Policy**

The Global Anaesthesia Development Project (GADP) is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and those working with the organisation, both employees and volunteers.

This policy aims to help the Trustees and employees/volunteers to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

It is important that any fraud, misconduct or wrongdoing by staff or volunteers working on behalf of GADP is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation 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.

## **Background**

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

- 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
- concealment of any of the above;

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

The whistleblower raises the concern so that others can address it. Examples of concern may include:

an employee or volunteer defrauding GADP or anyone using GADP;

the physical or emotional abuse of children, young people, vulnerable adults or the elderly;

anyone making inappropriate use of GADP's resource (eg: for their own personal use);

faulty machinery that puts the safety of employees, volunteers or users of GADP at risk.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

## **Principles**

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and volunteers working on behalf of GADP should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

No employee or other person working on behalf of GADP will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.

Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Chair of the Board of Trustees.

## **Procedure**

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

Stage 1: Individuals should in most cases, first report their concern to their line manager, or supervisor, who is expected to respond to that matter. The concern can be reported either anonymously, or with the assurance that it will be kept confidential, if possible. The choice of anonymous or confidential is made by the reporter.

If the relevant manager cannot deal with the matter, he or she will refer the concern to one of the Whistleblowing Officers:

**Dr Emma Lillie**, emmalillie@googlemail.com, +44 7898 844463

**Dr Hazel Mumphansha**, hazelsonkwe5@gmail.com, +260 96 9239620

who will arrange an investigation of the matter. You will be encouraged to write your concerns down in the form of a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. The safeguarding officer will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. The charity will also invoke any disciplinary action

required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2: If you are concerned that the safeguarding officer 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 Chair of the Board of Trustees. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

Stage 3: If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

HM Revenue & Customs

The Health and Safety Executive

The Environment Agency

The Serious Fraud Office

The Charity Commission

The Pensions Regulator

The Information Commissioner

The Financial Conduct Authority

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

### **Data protection**

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.