

Whistleblowing Policy

January 2024

Purpose

The Commonwealth Foundation is committed to establishing and maintaining an open, transparent and ethical workplace, where individuals who report illegal, dishonest, or fraudulent activity in good faith and/or who cooperate with authorised investigations into such misconduct will be protected against retaliation or retribution.

Policy statement

The Foundation encourages the reporting of serious misconduct or wrongdoing. We commit to taking seriously and investigating any such reports in ways that protect the individual from reprisal or retaliation when they are reporting their concerns in good faith.

This policy sets out the ways in which individuals may raise concerns of misconduct or wrongdoing and how those concerns will be dealt with.

Definitions

Whistleblowing refers to a situation in which an employee or other designated person makes a disclosure of information which they reasonably believe indicates serious misconduct or wrongdoing, or the covering up of such misconduct or wrongdoing.

A **whistle-blower** is a person who raises concerns, in the correct way, about serious misconduct or wrongdoing including behaviour that:

- is illegal, fraudulent or corrupt
- is an intentional or reckless breach of a legal obligation
- involves misuse of Foundation resources
- endangers the health and safety of any individual or damages or is likely to damage the environment
- breaches the Foundation's Code of Conduct or other internal policies and procedures
- is conduct likely to damage the Foundation's reputation
- represents a deliberate attempt to conceal any of the above.

Whistle-blowers who raise, in the correct way, 'public interest' concerns (i.e. concerns that do not relate to their own private employment interests) are entitled to statutory protections set out in the United Kingdom *Public Interest Disclosure Act 1998* (PIDA).

A **whistleblowing concern** is disclosure of information which the individual reasonably believes shows misconduct or wrongdoing is either happening, has taken place, or is likely to happen in the future.

Retaliation means any direct or indirect detrimental action that adversely affects a person's employment or working conditions, where such action has been recommended, threatened or taken for the purpose of punishing, intimidating or injuring that person because they engaged in a protected activity under this Policy.

Scope

This policy applies to

- i) Commonwealth Foundation staff
- ii) non-staff personnel working with the Foundation through an established arrangement including interns, volunteers, those engaging in work experience, and Governors.
- iii) individual consultants and contractors; and
- iv) partner organisations and grant recipients that deliver activities and services on behalf of the Foundation or with Foundation support.

This policy does not cover a mismanagement issue that does not pose a risk to the Foundation or the public, or to complaints relating to an employee's personal circumstances which should be dealt with under other Foundation policies.

Safeguards

Workers who raise a whistleblowing concern are entitled to legal protections provided such disclosures of information are made in good faith and in the reasonable belief that the behaviour shows malpractice or impropriety. Those protections include the following:

Confidentiality: the Foundation will treat all disclosures made under this policy in a confidential and sensitive manner. If a whistle-blower asks to remain anonymous, their identity will not be disclosed without their consent, unless required by law. If it is necessary for anyone investigating a concern to be informed of an individual's identity, the Foundation will first discuss this with the disclosing colleague

Anonymous disclosures: adequate and timely investigation of allegations and resolution of concerns is difficult or may be impossible if the Foundation cannot obtain further information from the whistle-blower when necessary. While it is possible to raise concerns anonymously using the procedures outlined in this policy, the intention of this policy is that individuals understand the protections in place and feel able to voice whistleblowing concerns openly using the appropriate channels.

Whistleblowing Officer: individuals who wish to discuss the scope or implementation of this policy or who are unsure whether something amounts to a whistleblowing concern can contact the Whistleblowing Officer, appointed by the Director-General.

External advice: individuals who wish to discuss the scope or implementation of this policy or who are unsure whether something amounts to a whistleblowing concern can also seek advice from Protect (www.protect-advice.org.uk), the independent whistleblowing charity, which offers a confidential helpline (020 3117 2520 or email via the website).

Mistaken or untrue allegations: if an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

Procedures for reporting concerns

Reports of alleged wrongdoing can be made in writing or verbally. All disclosures will be treated in a confidential and sensitive manner. Reports should be as specific as possible and must include details of where, when, who and how the individual or organisation is alleged to have committed the wrongdoing, and why the whistle-blower believes the conduct should be investigated.

Whistle-blowers are required to act in good faith and to have reasonable grounds concerning any report made under this policy.

A concern about wrongdoing or misconduct can be made to:

The whistle-blower's line manager: wherever possible and appropriate, Foundation staff should raise any concerns falling within this policy with their line manager in the first instance. Line managers may be able to resolve concerns directly, but some cases may elect to refer the matter to the Whistleblowing Officer.

Whistle-blowing Officer: in situations where: (i) the individual with concerns does not have a line manager within the Foundation; or (ii) the matter is considered to be more serious; or (iii) an employee feels that their line manager has not sufficiently addressed their concern; or (iv) an employee prefers to not raise the matter with their line manager for any reason, they should contact the Whistle-blowing Officer. The current Whistle-blowing Officer is the Senior Office Manager who can be contacted on CF-WBO@commonwealth.int.

External reporting services: If the above procedures are not felt to be suitable by the intended whistle-blower, they may approach SeeHearSpeakUp, which is the agency appointed by the Commonwealth Foundation to provide an external and independent confidential reporting service for raising concerns under this policy. The service is available 24/7 (www.seehearspeakup.co.uk):

- a) secure email report@seehearspeakup.co.uk
- b) phone from the UK: **0800 988 6818** or from elsewhere: **+44 1224 379303**
- c) secure web reporting: <https://www.seehearspeakup.co.uk/file-a-concern/new-report>

Concerns raised with SeeHearSpeakUp will be passed to the Authorised Receivers of Information, currently the Whistle-blowing Officer and the Deputy Director-General, or to the Foundation's Director-General if the concern involves one or both of these nominated Authorised Receivers of Information. SeeHearSpeakUp will not share the personal details of the whistle-blower with the authorised receivers unless the whistle-blower has given permission to do so.

Investigation

When a whistleblowing report is received, the receiving officers (Authorised Receiver of Information, or the Director-General, as above) will assess whether the complaint discloses a matter that is covered under this Policy. If it does, then the receiving officer will review the information provided and either escalate the matter to an internal investigator (or committee) to investigate the complaint or designate an appropriate external investigator to conduct the investigation. The investigator(s) will determine process and timeline but will endeavour to complete the investigation as quickly as practicable, preferably within a six-week period from the date of the complaint.

The individual who raised the concern will be informed, either directly or via the external reporting agency as appropriate and if contact details are available, of the outcome of the initial assessment and an indication of how the matter is proposed to be dealt with.

Unless the report has been made anonymously, the person raising the concern may be required to attend additional meetings to provide further information or to discuss the matter with the Whistleblowing Officer or senior colleagues or investigators. A Foundation employee raising a concern under this policy may identify a fellow colleague or other suitable person to accompany them to any such meetings.

The Foundation will aim to keep the whistle-blower appropriately informed of the progress of the investigation including the likely timeline.

Outcome

A finding of misconduct or wrongdoing may result in disciplinary action up to and including termination of employment in the case of a Foundation staff member, and termination of an engagement or contractual arrangement or other appropriate action in the case of non-staff personnel, contractors, consultants, and partner organisations.

Once an investigation is concluded, the Foundation will provide any investigation report to appropriate parties for further action as necessary and appropriate, also taking into account confidentiality and data protection requirements. The individual who raised the concern will be informed, where contact details are available, of the results of the investigation, including whether the concern was deemed to be founded or unfounded, and whether remedial action is being taken by the Foundation. Such details will only be provided where provision of same would not breach the privacy rights of the respondent and/or any other involved person.

If a concern raised indicates that illegal activity has occurred, the Foundation may bring the concern directly to a law enforcement or regulatory agency, as appropriate.

Vexatious, malicious or careless allegations: a disclosure made under this policy must be based on the reasonable belief that it is true. If the Foundation concludes that a whistle-blower has made false allegations or otherwise acted maliciously, in bad faith or with a view to personal gain, the whistle-blower may be subject to disciplinary action in accordance with the Disciplinary Policy up to and including termination of employment in the case of a Foundation staff member, and termination of the engagement or contractual arrangements or other appropriate action in the case of non-staff personnel, contractors, consultants, and partner organisations. Disciplinary action may also be taken in response to an unjustified disclosure that is made externally other than to the external reporting agency or to a prescribed regulator, without first exhausting the internal procedure set out in this policy.

Interpretation of procedure

The above procedures and any investigation carried out are intended to be understood and applied flexibly and in good faith in order to respond to the specific circumstances at issue. An intention of the policy is to ensure that a whistleblowing concern is managed by a person or people who are not personally involved or who otherwise may have a conflict of interest with respect to the matter, recognising that the Foundation is a small organisation with limited human and financial resources. The Foundation reserves the right to engage in a procedure different to that set out above as deemed appropriate in a given circumstance.

If disclosing employees are not satisfied

While the Foundation cannot guarantee the outcome that a whistle-blower may be seeking, it will treat all concerns seriously and seek to deal with them fairly and in an appropriate way.

If persons covered by this policy are dissatisfied with the way in which their concern has been handled, they may raise the matter in writing with the Director-General or, as needed and appropriate, with the Chair of the Foundation's Board of Governors.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted but the whistle-blower is not satisfied with the outcome of the investigation, they may be entitled to pursue the matter through other channels such as the UK Health and Safety Executive.

No retaliation

No individual who, in good faith, reports a concern under this policy or participates in an investigation shall suffer harassment, retaliation or adverse consequences.

Any person who is found to have retaliated against a person for making a good-faith report under this policy or for participating in an investigation under this policy will be subject to disciplinary action as necessary, including under the Disciplinary Policy up to and including termination of employment in the case of a Foundation staff member, and termination of the engagement or contractual arrangements or other appropriate action in the case of non-staff personnel, contractors, consultants, or partner organisations.

Reporting and review

The Chair of the Executive Committee of the Foundation's Board of Governors will be informed of all reports falling within this policy, with the identity of individuals protected as appropriate in accordance with this policy.

This policy will be kept under review and will be formally reviewed every three years. All updates to the policy will be circulated to staff and made available on the Foundation website.

Related policies

Grievance Policy
Anti-Fraud and Corruption Policy
Safeguarding Policy
Disciplinary Policy
Code of Conduct for Staff
Code of Conduct for Consultants
Code of Conduct for Grant Partners
Harassment and Bullying Policy
Complaints Policy