



# Whistleblowing Policy

January 2019

## 1. Introduction

Whistleblowing is making a disclosure in the public interest about possible wrongdoing in the workplace. Throughout this policy, the term “malpractice” is used to describe such wrongdoings. The categories of wrongdoing which may constitute malpractice include the following:

- criminal offences
- failure to comply with legal obligations
- miscarriage of justice
- endangering the health & safety of individuals
- damaging the environment
- attempting to cover up any of the above.

Concern is committed to the highest possible standards of openness, transparency and accountability in all its affairs. It will not always be clear that a particular situation falls within one of these categories and you are encouraged to report other types of malpractice such as, but not limited to, deliberate disregard or serious breach of Concern’s code of conduct, and concerns about fundraising practice.

Whistleblowing is generally NOT a complaint about a personal grievance (e.g. bullying, harassment etc), and whistle-blowers therefore tend to be witnesses as opposed to complainants and rarely have a personal interest in the outcome of any investigation into their concern.

## 2. Scope

Concern uses this global policy to enable all Concern staff, volunteers, partners, consultants or contractors (engaged by Concern Worldwide or any of its subsidiaries and affiliates) to raise or disclose concerns at an early stage and in the right way. The organisation will take

appropriate measures to promote knowledge and awareness of the policy so that stakeholders are in a position to apply it as necessary.

### **3. Reporting Procedure**

#### **3.1 Standard Reporting Mechanism**

As soon as you become aware of, or have good reason to believe that malpractice has occurred, is occurring or likely to occur, you should raise the matter with your line manager. For partners, consultants or contractors, you should raise the matter with your key point of contact within Concern. If you feel unable to raise the matter with your line manager/your key point of contact within Concern, you should raise it with a more senior manager.

The manager should consult with the responsible personnel in line with the relevant policy depending on the nature of the concern raised, as follows:

- For complaints about personal grievances such as bullying, harassment etc (which are generally not considered to be whistleblowing), the relevant HR manual should be referred to and the applicable HR Manager should be consulted.
- For incidents of fraud, theft or corruption, Concern's Anti-Fraud Policy should be referred to and the Internal Audit Department consulted.
- For issues relating to sexual exploitation and abuse concerns, Concern's Code of Conduct and associated policies should be referred to and the applicable HR Manager from Head Office and Regional Director informed.
- For any other incidents of malpractice, seek guidance with the applicable HR Manager to identify the best reporting line.

Concern is committed to treating all disclosures consistently and fairly, and all investigations will be conducted in line with Concern's Investigation Guidelines. Accordingly, Concern will keep you informed of the progress of the investigation and its likely timescale. However, the need for confidentiality may prevent us from giving you specific details of the investigation or any disciplinary action taken as a result.

#### **3.2 Alternative Reporting Mechanism**

If you have concerns that you feel cannot be raised through line management/your key point of contact within Concern or were not satisfied with the response you received, the following alternative contact channel is available to you:

- Whistleblowing helpline - This helpline is monitored by the Concern Worldwide Internal Audit department and is accessed as follows:
  - By email to [whistleblowing@concern.net](mailto:whistleblowing@concern.net)
  - By telephone to 00-353-1-479-1326
  - By post marked "Private & Confidential" to Internal Audit, Corporate Services, Concern Worldwide, 52-55 Lower Camden Street, Dublin 2, Ireland.

It is worth stressing that the Head of Internal Audit has a direct reporting line to the Board of Concern Worldwide in Dublin and is empowered to take any cases considered appropriate directly to that level.

### 3.3 Information/evidence to include

While it is important to provide as much information as possible to facilitate investigation of the issue, it is not necessary to have/provide hard evidence of malpractice before reporting a concern.

## **4. Safeguards for those making reports**

### 4.1 Harassment or Victimisation

Concern recognises that the decision to report a suspicion can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Concern will not tolerate harassment or victimisation and will take all practical steps to protect those who raise an issue in good faith.

### 4.2 Confidentiality

Concern will endeavour to take all reasonable steps to protect an individual's identity when he or she raises an issue and does not want their name to be disclosed. It should be understood, however, that an investigation of any malpractice may need to identify the source of the information and a statement by the individual may be required as part of the evidence.

### 4.3 Anonymous Reporting

Concern understands that you may wish to report your concerns anonymously and accepts that this may occur from time to time. However, it should be noted that Concern does not encourage this as anonymous reporting can make it difficult to clarify the issues, substantiate claims, investigate concerns properly and provide feedback. Issues expressed anonymously will be considered at the discretion of Concern. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the allegations and the supporting facts
- The likelihood of confirming the allegation from attributable sources

### 4.4 Untrue Allegations

If an allegation is made in good faith, but it is not confirmed by an investigation, Concern guarantees that no action will be taken against the complainant. If, however, individuals make malicious or vexatious allegations, disciplinary action will be considered against the individual making the allegation.

### 4.5 Disclosures Protected by Legislation

Whistleblowing legislation in the ROI (Protected Disclosures Act 2014) and UK (Public Interest Disclosures Act 1998) aims to provide legal protection (from detrimental treatment or victimisation from their employer) to those who raise concerns about possible malpractice in the workplace. This is provided that they reasonably believed that the information they disclosed was substantially true and it was reported in the public interest.

The scope of legal protection under the Protected Disclosures Act 2014 covers all "workers" in the ROI. The definition of "worker" includes employees or former employees, trainees, people working under a contract for services, independent contractors, agency workers and people on work experience.

The scope of legal protection under the Public Interest Disclosures Act 1998 covers all “workers” in the UK. The definition of “worker” includes employees, trainees and agency workers.

You can seek advice about whether your concerns meet the requirements of a protected disclosure in line with section 5 below.

## **5. External Sources of Information and Advice**

The charity Public Concern at Work ([www.pcaw.org.uk](http://www.pcaw.org.uk)) provides free confidential advice to workers who have concerns about malpractice in the workplace. Whilst a UK based organisation, their advice will be useful and applicable to other contexts. You can contact their Whistleblowing Advice Line by phone +44 (0) 20 7404 6609 or email [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk).

## **6. Prescribed Bodies**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any malpractice in the workplace. That should ensure that the issue is addressed. However if you feel it is appropriate to whistle-blow to a prescribed/external body rather than internally, you should make sure that you have chosen the correct body for your issue.

For the ROI, these prescribed bodies are listed in Statutory Instrument No. 339/2014 amended by Statutory Instrument No. 448/2015.

For the UK, a list is available on the UK Government website.

In general these bodies have regulatory functions in the area which are the subject of the allegations. Concern strongly encourages you to seek advice in line with section 5 above before reporting a concern to external bodies.

## **7. Review of this Policy**

In the interests of maintaining best practice, the contents of this Whistleblowing Policy will be formally reviewed by the Audit and Risk Committee of the Board of Concern Worldwide in Dublin every three years. In the interim, management is authorised to make adjustments as may be required by changes to statutory obligations and/or donor requirements - however any other significant revision will need approval by the Audit and Risk Committee of the Board of Concern Worldwide in Dublin.