

## Whistleblowing policy – guidelines for raising serious concerns

### 1. Our commitment

ADHD Embrace as a registered charity is run in the interest of the public with a view to carry out its [mission](#). To this end its aims to conduct itself ethically and with honesty and integrity in-line with its [values](#). We expect the same high standards from our team, volunteers and anybody carrying out work on our behalf.

We do, however, recognise that there may be occasions when we do not get this right. In these instances, you may feel that you need to raise your genuine and serious concerns. There are two scenarios that can arise, and they are covered by our whistleblowing policy.

### 2. Circumstances that have cause for whistleblowing

Whistleblowing usually arises when an individual reports information **about an organisation or its team or contractors related to wrongdoing or misconduct by breaching the law or acting immorally**. Whistleblowers generally state that such actions are motivated by a commitment to the public interest.

Whistleblowing can cover a arrange of our activities from our service provision, fundraising, procurement of services, financial matters, or many more.

This is in strong contrast to grievances which typically covers behaviours and actions that are not in breach of the law or immoral, but more where a person feels wronged.

### 3. Aims of the whistleblowing policy

The aims of this policy are to:

- provide an effective way for you to raise serious concerns
- ensure that you receive feedback on any action undertaken by us because of you raising serious concerns
- ensure that you will be protected from reprisals or victimisation for having raised your concern in good faith
- signpost you to further options available to you if you are dissatisfied with our response, or if internal investigation is not appropriate
- allows ADHD Embrace to act against person or organisation who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so.

### 4. Protecting individuals using this policy

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below.

These are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, eg theft, fraud or malpractice)
- 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.

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed. You do, however, need to hold a reasonable belief of such an action having been, being or likely to be carried out.

If you make such a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even were it to materialise that you were genuinely mistaken. We will not tolerate any individual being subjected to a detriment because of their making a disclosure in good faith.

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

## **5. Raising a concern**

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.

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 or not you wish your identity to be kept confidential. While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, you will be informed of this and the reasons why it was not possible.

We will consider anonymous disclosures, but we do not encourage them as anonymity often makes it difficult to properly investigate concerns, protect employees or give feedback on outcomes.

## **6. Who should I raise it with at ADHD Embrace?**

It should be raised with the following people within ADHD Embrace:

- You should raise the matter with our Executive Director in the first instance. If you do not know how to reach that person, email [info@adhdembrace.org](mailto:info@adhdembrace.org) and mention you want to get in touch with them on a private matter and ask to be put in touch with them.

- Where this is not appropriate because they may be involved in the alleged malpractice, wrongdoing or illegal acts or omissions in some way, raise your concern with the Chair of Trustees by emailing [Chair@adhdembrace.org](mailto:Chair@adhdembrace.org).

## **7. What happens after I raise a concern at ADHD Embrace?**

We will deal with your complaint as follows:

- Your disclosure will always be acknowledged within seven days.
- It will be investigated by the person with whom you raised your concern.
- They will arrange to meet you as soon as possible privately, to enable you to explain your concern.
- We may not always be able to keep your details confidential, but we will always let you know if it is not possible to do so.
- You will be told either at the meeting or as soon as possible afterwards, what action will be taken to address the concern you have raised. Where action is not taken, you will be informed and given an explanation. The action taken in response to a disclosure will depend on the nature of the concern.

Typically, the matters raised may result in one or more of the following:

- No action required
- Action being taken under other ADHD Embrace policy or procedure eg grievance policy or safeguarding policy, etc
- An internal investigation under this policy
- A referral to the police or relevant statutory body
- A referral to the Charity Commission
- An independent enquiry.

ADHD Embrace reserves the right to make a referral to any of the above agencies without your consent.

Any ADHD Embrace staff member or trustee receiving a potential whistleblowing concern must notify the Chair of Trustees immediately that a concern has been raised and inform them of progress in resolving the concern.

All whistleblowing cases will be logged in the Risk Register as a case, without providing any detailed information.

## **8. Raising a concern externally (regulatory bodies)**

We strongly encourage you to exhaust the internal processes set out in sections 5 and 6 above in the first instances.

In exceptional or urgent circumstances, however, or where, having made a disclosure, you are unhappy with the outcome, you have a legal right to make a disclosure to regulatory bodies. These include but are not limited to the following:

- Charity Commission;
- HM Revenue & Customs;
- Health and Safety Executive;
- Financial Services Authority;
- Office of Fair Trading;

- Environment Agency
- Fundraising regulator.

## **9. Making a disclosure to the press is unreasonable**

Disclosures to the press will not be considered reasonable and may constitute misconduct or slander. As such, the matter might be treated as a disciplinary matter in accordance with our disciplinary and grievance policy and procedure.

## **10. Further help and assistance**

If, at any stage in the procedure, you are unsure about what to do and would like independent advice, you can discuss your concern with someone at Public Concern at Work. This body is an independent charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also provide advice about what legal protection may be available to you. You can email Public Concern at Work at **[whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)** or phone them on their advice line: **020 3117 2520**.