



Whistleblowing within the Workplace Policy Mayfield & Five Ashes Community Services (MAYFACS)

About this policy and procedure

It's important that any fraud, misconduct or wrongdoing by staff or others working on behalf of our charity is reported and dealt with properly.

This document sets out how you should report concerns and how we'll deal with them.

What is Whistleblowing?

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who make a 'qualifying disclosure'.

A qualifying disclosure is where an employee or volunteer has a reasonable belief that any of the following is being, has been, or is likely to be committed, and reports (discloses) it in the public interest.

- A criminal offence
- A miscarriage of justice
- An act causing risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation
- Concealment of any of the above

This is also known as 'whistleblowing'. You don't need to prove your disclosure – a reasonable belief is enough. You're not responsible for investigating the matter – it's our responsibility to ensure an investigation takes place.

If you make a qualifying disclosure, you have the right not to be dismissed or victimised as a result. An example of victimisation would be an employer deciding not to promote someone because they've made a disclosure.

If you want to make a qualifying disclosure, we recommend you follow the procedure set out in this document.

By law, most people are protected if they make a qualifying disclosure.

Protection starts from the beginning of employment.

People are still protected even if they no longer work for the employer they're making a disclosure about.



Policy Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should look out for illegal or unethical conduct and report anything they become aware of.
- We'll investigate any matter raised under this procedure thoroughly, promptly and confidentially, and report back on the outcome of the investigation to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means your rights and opportunities at work won't be affected if you raise a legitimate concern.
- Victimisation of an individual for raising a qualifying disclosure is a disciplinary offence.
- If we discover misconduct as a result of any investigation under this procedure, we'll follow our disciplinary procedure and take other appropriate measures.
- Maliciously making a false allegation is a disciplinary offence.
- Instructing someone to cover up wrongdoing is a disciplinary offence. If you're told not to raise or pursue a concern, even by someone in a position of authority, you shouldn't agree to remain silent. You should report the matter to the chair of the board of trustees.

Whistleblowing Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment. You should raise matters relating to your contract by following our complaints procedure (available via our website).

Stage 1

If you want to make a qualifying disclosure, you should raise it with the charity manager, who will arrange an investigation of the matter. We may ask you and other people involved to write a statement to support the investigation. We'll carry out any investigation in accordance with the principles set out above.

Your statement will be considered, and you'll be asked to comment on any additional evidence we obtain during the course of the investigation. The charity manager 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. Once the investigation is complete, we'll tell you the outcome and what we've done, or propose to do, about it. If we won't be taking action, we'll explain why.

The charity manager will also decide whether to initiate our disciplinary process. You may not be made aware of this because information is confidential to the person who may be disciplined.

Stage 2

You should escalate the matter to the chair of the board of trustees if you're concerned that the charity manager:

- is involved in the wrongdoing
- has failed to investigate properly



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- has failed to report the outcome of the investigation to the right people.

The chair will arrange for the investigation to be reviewed, make any necessary enquiries, and make their own report to the board.

Stage 3

If following stages 1 and 2 you reasonably believe that the appropriate action hasn't been taken, you should report the matter to the relevant body.

This could include:

- 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
- the Competition and Markets Authority
- the Independent Office for Police Conduct.

gov.uk has published [the full list of prescribed people and bodies for whistleblowing](#).

Data Protection

When someone makes a disclosure, we'll process any personal data we collect in accordance with our data protection policy (available via our website). This data will be held securely and only accessed and disclosed to individuals to help us deal with the disclosure.

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15

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DATE FOR NEXT REVIEW: June 2029

TRUSTEE SIGNATURE: signed on Hard Copy

TRUSTEE NAME (Print): C.Kerr (Chair)