



**ShelterBox**  
Disaster relief

## Disclosure of Malpractice Policy (Whistleblowing)

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## 1. Policy Statement

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ShelterBox is committed to the highest standards of transparency, probity, integrity and accountability and this Whistleblowing Policy sets out the framework for dealing with allegations of malpractice.

## 2. Purpose

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This policy is intended to provide a means for employees, volunteers and other ShelterBox representatives<sup>1</sup> to raise genuine concerns about malpractice (if they believe it is in the public interest to do so). The policy is designed to deal with any disclosure in a confidential manner and your identity will be kept confidential to the extent possible. However, this may not be possible in all situations, for example if the police are involved. The Policy has been created to provide an effective reporting mechanism while protecting those making such allegations and allowing them to do so free from reprisals, in the knowledge they will be protected from being victimised, discriminated against or disadvantaged in any way.

Further, this procedure is intended to ensure that ShelterBox complies with its duty under the Public Interest Disclosure Act 1998.

## 3. Scope

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This policy applies to all employees, volunteers and other ShelterBox representatives.

This policy does not replace other policies such as the *Complaints Policy* or *Harassment and Bullying Policy*. Neither does it replace other specifically laid down reporting procedures.

This policy covers the provision of information relating to alleged wrongdoing in the public interest. It does not cover personal grievances. Employees should consult the *Disciplinary and Grievance Policy* (in the Employee Handbook) and volunteers should consult the *Resolving Differences Policy* for information on raising personal issues relating to the specific job/employment or volunteer role.

If you have a genuine concern and reasonable belief, it is in the public interest, even if it is later discovered that you are mistaken, under this policy you will not be at risk of losing your job or volunteer position or from suffering any form of retribution as a result.

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<sup>1</sup> In addition to employees and volunteers, ShelterBox representatives may include trustees, affiliates, partner organisations, consultants, contractors (including freelance photographers, drivers, fixers etc.), casual labourers, donors, Rotarians, and anyone else who is representing ShelterBox.

Protection will not be extended to an individual who maliciously raises a matter they know to be untrue. Those found to be making false allegations maliciously will be subject to disciplinary action. This may result in action up to (and including) dismissal.

If an employee or any other party tries to prevent an individual from making a confidential report or victimises that person for raising their concerns in good faith, ShelterBox will treat this as gross misconduct, and respond in accordance with the relevant procedures.

This policy does not form part of an employee's terms and conditions of employment and may be subject to change at the discretion of management.

Malpractice includes (but is not limited to) the issues listed below:

- Committing a criminal offence (both local and international)
- Sexual misconduct, including sexual abuse, harassment or exploitation (see *ShelterBox Safeguarding Policy*).
- Abuse or exploitation of anybody that comes into contact with ShelterBox, including members of the communities we work with, children and vulnerable adults (see *ShelterBox Safeguarding Policy*).
- Breach of ShelterBox policy/Code of Conduct (see *ShelterBox Code of Conduct*).
- Financial wrongdoing, including theft, bribery, fraud, money laundering and aid diversion.
- A failure to comply with any legal obligations.
- Danger to the health and safety of individuals, or damage to the environment.
- Abuse of position, improper conduct or unethical behaviour.
- Any activity, which would bring the organisation into serious disrepute.
- The deliberate concealment of information relating to any of the matters listed above.

How an allegation is dealt with may vary depending on the status of the individual(s) alleged to have been involved. For example local volunteer procedures for volunteers; consultancy contracts and procedures for consultants; partnership agreements for ShelterBox partners; or staff policies for staff.

## 4. Roles and Responsibilities

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### **ShelterBox:**

- Commits to provide a means for employees, volunteers and other ShelterBox representatives to raise genuine concerns about malpractice (if they believe it is in the public interest to do so) while protecting those making such allegations from reprisals and dealing with the matter in a confidential manner.

### **The Executive Team and the Trustees:**

- Are responsible for reviewing and updating this Policy annually, and in line with legislative and organisational developments.

#### **The Chief Executive Officer (CEO):**

- Will report annually to the Board of Trustees on the operation of the procedure and on any allegations made during the period covered. The report will be in a form, which retains the anonymity of complainants.

#### **Managers, and ultimately the Executive Team:**

- Hold overall accountability for this Policy and its implementation.

#### **Disclosure Recipient**

- The person receiving the initial report from a staff member or a volunteer (Executive Team member or Volunteer Development Manager or Chair of Trustees or member of the Safeguarding Team) is responsible for the initial handling of the report although the case-management may be carried out by somebody else.

## **5. The Procedure**

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### **Reporting Channels**

For any instance not related to safeguarding, the Complainant should report to one of the contacts below (as appropriate), who will deal with the matter in confidence:

- A member of the Executive Team
- A member of the Board of Trustees
- The HR Team
- Chief Executive Officer (CEO)
- Volunteer Development Manager
- Safety and Security Advisor
- Your named contact
- Utilise the Independent Whistleblowing Service (details below)
- You may also raise an allegation by letter: Disclosure of Malpractice. C/o HR Department, ShelterBox HQ, Falcon House, Truro, Cornwall TR1 2PH. The HR department will acknowledge all allegations.

For any instance related to safeguarding, the Complainant should report using one of the channels below (further information on raising a safeguarding concern can be found in the *Safeguarding Policy*).

- Contact [safeguarding@shelterbox.org](mailto:safeguarding@shelterbox.org)
- Utilise the independent whistleblowing service (details below)
- Phone the In Case of Emergency (ICE) number

- You may also raise an allegation by letter: Disclosure of Malpractice. C/o HR Department, ShelterBox HQ, Falcon House, Truro, Cornwall TR1 2PH. The HR department will acknowledge all allegations.

### **ShelterBox independent whistle blowing service:**

- Online: <https://report.safecall.co.uk/> By freephone:
  - ..1. UK: 0800 9151571
  - ..2. Philippines: 1800 14410499
  - ..3. Other numbers are also available – please visit the Safecall website for further details.
- . Telephone lines are manned by real people 24 hours a day, 7 days a week and calls are not recorded.

### **Anonymous Reporting**

Anonymous reporting is possible but may make it difficult to verify details or substantiate claims, which may limit the ability of investigators to pursue concerns. Anonymous complaints will, however, be taken seriously.

### **Information to Share**

At the point of raising a concern, it would be useful for you to share information describing the following:

- Whether anyone is at immediate risk of harm
- What has actually happened? Provide notes of dates, times, people and places.
- Who is involved?
- How do you know about it?
- When did you first become concerned about it?
- Have you told anyone about it?
- Was any action taken?

A suggested Malpractice Incident Report Form is attached as Appendix 1.

### **Procedure following receipt of report**

At this point, the Disclosure Recipient will:

- Consult with the Director of HR to decide whether it is appropriate to handle such complaints under this policy. If the Director of HR cannot be informed, then the consultation will be conducted with the Chief Executive Officer.
- Report issues of malpractice in the workplace to the HR team, who will initiate an investigation (this could be internally or externally carried out).
- Instigate the Critical Incident procedure, if sufficiently serious malpractice is alleged.
- Inform the Complainant (see below)

## Informing the Complainant

- The Complainant should receive a formal confirmation no more than **5 working days** after the complaint is received.
- Confirmation should be in writing, discreet and clear.
- Confirmation is generally a letter to the complainant telling her/him that the organisation has received the complaint and is taking action. It states:
  - when and how the organisation received the complaint
  - how the organisation has responded to the complaint so far
  - what it will do next
  - who is responsible for the complaint
  - whom the complainant should contact with questions or feedback.
- The confirmation is important for reasons of accountability and transparency. It shows the complainant that the allegation is taken seriously and it gives her/him the information they need to ensure that the organisation is responding properly. For the organisation conducting the investigation, it is a record that it has received the allegation and has handled it properly in the initial stage. This may be important if the investigation is audited.
- The Complainant does not 'own' the complaint so does not automatically have a right to know the outcome of the investigation. It will generally be sufficient to say that the complaint has been substantiated (and referred to management for a decision on discipline) or that the complaint is not substantiated. When giving this explanation, the identities or the evidence of other witnesses should never be disclosed. The Complainant should also be informed whether the complaint has/has not been reported to the Charity Commission.
- The complainant has the right to escalate the report, either up the management line, to the Board or to an external statutory body if dissatisfied that the report has not been appropriately addressed.
- The complainant has a right to request any data concerning their identity that is subsequently stored by the investigation team as per the Data Protection Policy. Sensitive information relating to other stakeholders within an investigation will not be shared as part of this process.
- Confidentiality must be maintained at all stages, and information shared on a limited 'need to know' basis only.

## Investigation

Once a report has been received, what an investigation may involve or the action that may be taken will depend on the nature of the incident. Some incidents may be resolved promptly after an initial review whilst others may require a formal investigation.

Any formal investigation will be overseen by the Director of HR and will be managed in accordance with any relevant ShelterBox policy, such as the local disciplinary policy and in line with relevant legislation.

For any complaint that involves HR or the Director of HR the investigation will be overseen by the Chief Executive Officer. If it is deemed appropriate, the people involved may be suspended pending the investigation, or immediate action may be taken to secure assets. **Suspension** is not a disciplinary sanction and by no means indicates that any decision has been made.

Any individuals appointed to conduct an investigation should not be implicated in the complaint in any way (either an independent manager or an appropriate external professional should be appointed).

### **Following the investigation**

If the investigation finds that the malpractice has occurred or the ShelterBox Code of Conduct or any Policies have been breached, this could result in a range of outcomes, including dismissal for employees or volunteers, termination of the relevant Project agreement or contract for consultants, and possibly even a criminal conviction (as per relevant legislation). An employees' right of appeal in response to disciplinary action will be detailed in the Employee Handbook.

A judgement over whether or not serious malpractice has taken place will depend on the nature of the allegation, the nature of their role and what would be considered reasonable in the circumstances.

In the event of an employee's **resignation** with immediate effect, the investigation may still be concluded. If the person has left the organisation every attempt will be made to let them know the outcome of the investigation.

All incidents of serious malpractice or serious breaches of the *Code of Conduct* or *Safeguarding Policy* will be recorded on a **central register** held by the Director HR. Appropriate reports will be provided to the Board of Trustees and to the Charity Commission.

Incidents constituting **criminal activity** or fraud will be reported to the police, unless there is good reason not to do so, for example if lives will be put in danger.

The person raising the initial concern will receive general feedback as soon as is possible and if appropriate. However, there may be circumstances where, given the confidential nature of allegations or the materials covered, it will not be possible to give feedback on actions taken.



## 6. Frequently Asked Questions

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### **Can the disclosure be made anonymously?**

Anonymous reporting is possible but may make it difficult to verify details or substantiate claims, which may limit the ability of investigators to pursue concerns. Anonymous complaints will, however, be taken seriously.

### **Who will conduct the investigation (if an investigation is required)?**

Normally the Director of HR will appoint an independent person from within ShelterBox. On rare occasions, or for complex cases (safeguarding, etc.), external investigation support may be sought.

### **What if the matter involves a criminal offence?**

The issue may also be reported to the police if a criminal offence, such as fraud or theft, or sexual assault has been committed. When considering whether to refer an allegation to the authorities, the primary consideration should be the safety of all concerned – including the survivor(s), witnesses and the Subject(s) of Complaint. A risk assessment should be undertaken of the protection concerns before making a decision of this kind. In operating environments where rule of law has broken down, or where the authorities cannot be relied upon to protect those involved – or may even cause them harm, it may be necessary to decide not to refer the allegation or to defer reporting until individuals have been moved to safety.

### **What if the matter is a complaint about the performance/behaviour of a manager/colleague against me?**

Such complaints will be directed for action to the appropriate ShelterBox policy (*Grievance Policy* (staff) or *Resolving Differences Policy* (volunteers) or *Bullying & Harassment Policy*) unless the concerns relate to a form of malpractice listed in this policy.

### **How long will it take?**

All complaints will be dealt with in a timely and efficient manner. The complainant will receive formal confirmation of the receipt of the complaint no longer than 5 working days from the date received. The Complainant will also be informed whether the complaint has or has not been substantiated and the timeframe for this will depend on a number of factors such as whether an investigation is carried out.

## 7. Associated Policies

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*Code of Conduct*

*Complaints Policy*

*Critical Incident Management Plan*  
*Data Protection Policy*  
*Gathering Content Policy*  
*Harassment and Bullying Policy*  
*Managing Safeguarding Reports Policy*  
*Reference Policy*  
*Reporting Serious Incidents Policy*  
*Safeguarding Policy*

Other policies and procedures as appropriate

## **8. Annexure**

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- Annex 1: Malpractice – Initial Report Form
- Annex 2: Whistleblowing / Formal Complaints Process

## Annex 1: Malpractice – Initial Report Form

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### MALPRACTICE – INITIAL REPORT FORM

What has actually happened? <small>Provide notes of dates, times, people and places.</small>
Who is involved?
Is anyone at immediate risk of harm?
How do you know about it? When did you first become concerned about it?
Have you told anyone about it?
Was any action taken?
Next Steps:

## Annex 2: Whistleblowing Process

