

Whistleblowing Policy

July 2021



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FOUNDATION**



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Whistleblowing Policy Statement

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of Migrant Leaders is reported and properly dealt with. We therefore welcome the disclosure by individuals of concerns that they may have about potential malpractice, illegal acts or omissions in the charity or the way in which Migrant Leaders is run. This Policy sets out the way in which individuals may raise any concerns they have and how those concerns will be dealt with. This Policy should be read in conjunction with our other policies such as our [Complaints Policy](#), [Confidentiality Policy](#) and [Data Protection Policy](#).

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees and workers who raise reasonably held concerns in the public interest. These are called “qualifying disclosures.” A qualifying disclosure must be made in the public interest and is one made by a person who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence e.g. fraud, theft, financial mismanagement
- A miscarriage of justice e.g. falsifying evidence
- An act creating risk to health and safety e.g. promoting extremist views
- An act causing damage to the environment e.g. tipping hazardous waste
- A breach of any other legal obligation e.g. using the charity for significant personal advantage
- Concealment of any of the above

It is not necessary for you to have or provide proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is enough. You have no responsibility for investigating the matter – it is Migrant Leaders’ responsibility to ensure that an investigation takes place and make decisions on any resulting action.

If you are an employee or worker who makes a protected disclosure you have the right not to be dismissed, subjected to any other detriment or victimised because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.



Principles

- Migrant Leaders encourages everyone to be mindful of the importance of preventing and eliminating wrongdoing within the charity.
- Employees, others working on behalf of Migrant Leaders, Mentors and Mentees should feel confident and able to report to us any conduct of an illegal or unethical nature that they become aware of. By doing so Migrant Leaders will have the opportunity to correct any wrongdoing and/or prevent harm to somebody or to its own reputation.
- Our interpretation of the law is that it does not apply to volunteers, but Migrant Leaders welcomes feedback from all those connected with us and takes such feedback seriously. A volunteer or mentee can also make a serious complaint (e.g. malpractice, illegal acts or omissions) to the Charity Commission further information is available here: <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>
- Where possible, the disclosure will be dealt with informally e.g. through a discussion between the person disclosing and the manager receiving the disclosure. If appropriate, the person disclosing will be given feedback on the action to be taken.
- Where the disclosure is of a more serious nature it will be investigated promptly, consistently and fairly under this procedure. Where we can do so Migrant Leaders will let the person disclosing know of any action and feedback resulting from the investigation.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for promotion or training of the person disclosing will not be prejudiced because they have raised a reasonably held concern. The same principle applies to Mentors and Mentees regarding access to services and continued participation in Migrant Leaders' activities.
- Victimisation of an individual for raising a qualified disclosure or other concern will be a disciplinary offence.
- Migrant Leaders will take reasonable steps to maintain the confidentiality of the person disclosing and discussions held with them unless we are legally obliged not to. All discussions with the person disclosing will be treated sensitively. Please also refer to our Confidentiality Policy and Data Protection Policy.



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- The person disclosing may make a disclosure anonymously, but it may not be possible to follow up with them as part of the investigation or to provide feedback and the action taken may be limited as a result. You may make an anonymous disclosure by telephone or using an anonymised email address and if possible, we will use the same method to communicate with you.
- If misconduct is discovered during any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the chief executive or the chair of the board of trustees.
- Disclosures to the press will not be considered reasonable and may constitute misconduct. As such, disclosure to the press may be treated as a disciplinary matter in accordance with our disciplinary policy.



Procedure

Stage 1

In the first instance, any concerns should be raised with the chief executive, who will arrange an investigation of the matter. You can do this by emailing compliance@migrantleaders.org.uk. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be considered, and you may be asked to comment on any additional evidence obtained. The chief executive 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. The chief executive will also invoke any disciplinary action required. On conclusion of any investigation, you will be sent a summary of the outcome and what Migrant Leaders has done, or proposes to do, as a result but not the details of any disciplinary action. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the chief executive is involved in the wrongdoing, has failed to make a proper investigation, has failed to report the outcome of the investigations to the relevant person, or you have not had any contact from Migrant Leaders about your concerns within 3 months of raising them, you should escalate the matter to the chair of the board of trustees you can do this by emailing compliance@migrantleaders.org.uk. The chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you can report the matter to the relevant body. These 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



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You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Please note that this procedure is for disclosures about matters other than a breach of your own Migrant Leaders Contract of Employment, which should be raised via the grievance procedure.

Further Help

If at any stage in the procedure you are unsure of what to do and would like independent advice you can contact Public Concern at Work which is an independent charity. They offer confidential, free legal advice on how people can raise concerns about malpractice at work and about any legal protection available to you. You can contact Public Concern at Work by email at whistle@pcaw.org.uk or call their advice line on 020 3117 2520.

Documentation & Communication

Migrant Leaders will arrange to discuss the concern raised with the disclosing person within 5 working days to gather more information and understand the situation. If the disclosure is of a serious nature the discussion will be arranged sooner. Migrant Leaders will take a statement from the disclosing person and document the meeting, including any request for confidentiality. A summary of the meeting will be sent to the disclosing person within 2 days of the discussion and will include an indication of when an investigation is likely to be completed. Migrant Leaders will then investigate the matter further. If possible after the investigation is completed, within 5 days a summary of the resulting decisions and planned actions will be sent to the person disclosing. The information within such a summary will be limited if Migrant Leaders is obliged to keep some details confidential.

Migrant Leaders will keep a record of the number and nature of whistle-blowing disclosures and record the dates and contents of feedback provided.



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Support & Training

Migrant Leaders will offer reassurance to the [employee or worker](#) disclosing that their position/role will not be affected for disclosures made in good faith and requests for additional support will be considered.

Additional information is available from the Government www.gov.uk/whistleblowing and ACAS on <https://archive.acas.org.uk/index.aspx?articleid=1919>

This Policy will be included in induction material given to employees and access will be provided via the Migrant Leaders website for Mentors, Mentees and other users. Additional training will be made available for those with responsibilities for taking and investigating disclosures.

The Policy will be reviewed annually by the Chief Executive Officer and approved by the Board of Trustees. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

Date: 9th July 2021

Signed: 

Review Date: _____



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www.migrantleaders.org.uk

-  enquiries@migrantleaders.org.uk
-  [linkedin.com/company/migrant-leaders](https://www.linkedin.com/company/migrant-leaders)
-  twitter.com/MigrantLeaders
-  [facebook.com/MigrantLeadersUK](https://www.facebook.com/MigrantLeadersUK)
-  [instagram.com/migrantleaders_](https://www.instagram.com/migrantleaders_)



FARDAD FOUNDATION

The Fardad Foundation (TFF) is a UK registered charity that works directly with young people from deprived neighbourhoods, educational institutions and employers to provide bespoke support pathways towards the fulfilment of their true potential. TFF develops and delivers programmes, working with third parties and volunteers. Incorporated independently, TFF is governed by a diverse Trustees Board.

The Fardad Foundation (TFF) is registered as a charity with the Charity Commission in England and Wales with registered charity number 1176049.