

The Charity of Mrs Mabel Luke
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Charity Commission Reg. no: 236518
Registered Provider no: 4840

Disclosure Policy

1. Introduction and Scope

The Charity of Mrs Mabel Luke (The Charity) attaches great importance to identifying and remedying malpractice and encourages all paid workers (employed or self-employed), Directors, contractors or volunteers to speak up about things that are wrong, so that, wherever possible, they can be put right.

Paid employees (not self-employed workers or contractors) are protected under the Public Interest Disclosure Act (PIDA) 1998 from detrimental treatment or victimisation if they report wrongdoing (also known as Whistleblowing). The Charity will support all paid staff, Directors and volunteers who, in good faith, disclose concerns; information on protection and support for all those who disclose concerns is set out in this policy.

The Charity has several policies in place that deal with standards and behaviour, these are:

- Complaints
- Safeguarding
- Health and Safety
- Data Protection
- Anti-social Behaviour
- Financial Controls

If a concern is not covered by one of the above policies and there is belief that it has the potential to damage the reputation of the Charity, then this disclosure policy and procedures may, at the discretion of the Charity, be used to investigate concerns.

Principles

- This policy aims to ensure that anyone disclosing a concern, whether a paid employee, self-employed worker, contractor, Trustee Director or

volunteer, will feel confident to raise the matter, safe in the knowledge it will be taken seriously, dealt with confidentially, swiftly and without fear of harassment, discrimination or victimisation.

- This policy is published on the Charity's website and will be made available to all paid staff, Trustee Directors and volunteers, either by email or can be printed out on request.
- Under the Equality Act 2010, reasonable adjustment will be made to accommodate a complainant's needs.
- This policy does not extend to personal grievances or complaints.
- The Charity aims to leave the individual disclosing a concern with a feeling of satisfaction that they have been dealt with fairly, even if they do not agree with the outcome.

2. What can be disclosed?

Individuals making a disclosure must have a genuine concern of malpractice or wrong-doing that they believe will affect the interests of the Charity and others, including (but not limited to) its residents, paid staff, Directors, volunteers, surrounding environment or partner organisations.

The disclosure should include evidence of at least one of the following:

- A criminal offence
- A breach of legal obligation
- A miscarriage of justice
- A danger to the health or safety of any individual
- Damage to the environment
- Deliberate concealment of information in relation to any of the five matters listed above

3. Reporting concerns

- In the first instance, all concerns should be raised informally with the Chair of the Charity by telephone, email or in writing
- Should the individual feel it is not appropriate to raise the concern with the Chair, or if the Chair is implicated in the concern, then they may make their disclosure to one or more of the Chairs of the Property, Residents or Finance Committees
- Disclosure should contain as much information as possible to support a concern, including key issues, dates, times and names of those suspected to be involved. An individual is not expected to prove beyond reasonable doubt that the allegations are true but must be able to show that they have reasonable grounds for concern, and that the complaint is not malicious, false or vexatious
- Immediate action will be taken against anyone who makes malicious, false or vexatious disclosures. Action could include (but is not limited

- to) the removal of Directors from the governing body, disciplinary action or the ending of any agreements with self-employed staff
- The Charity does not encourage anonymous disclosure reports as it is much more difficult for concerns to be investigated and for the Charity to protect an individual's position or give feedback.
 - All disclosures will be considered and investigated with respect to the following criteria:
 - The likelihood of confirming the allegation
 - The credibility and motivation for the concerns being raised
 - Safeguarding concerns

4. How disclosures will be responded to

In the majority of cases, concerns will be investigated internally by the Charity's Directors. However, in very exceptional situations where all other options for investigating the complaint internally have been exhausted, or if that approach is not appropriate, then the concern can be investigated externally by a specific prescribed person or body as described later in the policy.

When a concern is raised, the Charity will endeavour to understand the individual's point of view and will:

- Ask them what they would consider to be a suitable solution or outcome
- Explain what the Charity can do and what is not possible
- Tell the individual the name of the Trustee Director who will be dealing with their concerns (if not the Chair) and the timescales for responses
- Keep the individual informed during the investigation
- Inform the individual as quickly as possible of the outcome, providing advice and information as necessary

Every effort will be made to put things right to the satisfaction of the individual raising the concern. If that is not possible, they will be given an explanation.

If the individual is not satisfied with the response, they will be advised how to further progress their concerns as described in 5. External Reporting.

5. External reporting – exceptional cases

The Charity would expect that, in almost all cases, investigating disclosure concerns internally would be the most appropriate action to take. However, if an individual is not satisfied with outcome, or if there is a significant

reason why a concern can't be raised internally, then an individual may consider raising the matter externally.

Requesting an external disclosure investigation should be done only in exceptional situations, where there is certainty that the information and allegations are true and that disclosing them externally is in the public interest.

The Government has prescribed a very detailed list of appropriate bodies for such external reports, which is available here:

[Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies)

A full list is also available from the independent charity, Protect, which can also provide confidential advice for individuals:

www.Protect-advice.org.uk

020 3117 2520

The Charity encourages individuals to seek advice from a body, such as Protect, prior to reporting a concern to anyone externally.

6. Reporting serious incidents

The Charity has a legal duty to report on the Annual Return to the Charity Commission what are termed 'serious incidents'. Full details are on: www.gov.uk/how-to-report-a-serious-incident-in-your-charity.

Auditors and Independent Examiners also have a legal 'whistleblowing' duty to report any matter of material significance to the Charity Commission.

7. Protection and support for whistle-blowers

- Paid staff have external legal protections under the Public Interest Disclosure Act 1998, however this does not extend to self-employed workers, Directors or volunteers
- However, under this policy, anyone raising a genuine concern will not suffer any detrimental treatment as a result. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern
- There will not be any risk of the individual losing their role within the Charity, provided their concern is genuine and is raised in accordance with these procedures. Neither will they suffer any form of harassment, discrimination or victimisation as a result, even if it is mistaken or if there is an innocent explanation for the concerns.

- Directors, paid workers, or volunteers must not threaten or retaliate against any individual raising a concern. Anyone involved in such conduct will be subject to appropriate formal action
- Anyone who believes they have suffered detrimental treatment or victimisation as a result of disclosing a concern, should inform the Charity's Chair or, where this is not possible or appropriate, any of the Committee Chairs. However, this assurance does not apply if a concern has been raised maliciously or falsely. In this event, appropriate formal action will be taken