



WHISTLEBLOWING POLICY

The Hospice Care Kenya (HCK) is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and those working with the charity, both employees and volunteers.

This policy aims to help the Trustees and employees/volunteers to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 who 'blow the whistle' on malpractices within their organisation.

What types of concerns?

The Public Interest Disclosure Act 1998 which protects employees and encourages them to raise concerns about malpractice – dangerous or illegal activity – in the workplace. It does not matter whether the wrongdoing takes place in the United Kingdom or abroad. In order for it to be a 'qualifying disclosure' under the Act, the whistleblower should reasonably believe that there is

- a criminal offence
- a failure to comply with any legal obligation
- a failure in the protection of children or vulnerable adults
- a miscarriage of justice
- a health and safety risk to an individual
- damage to the environment
- or concealment of the above.

Therefore, this policy is intended to deal with these serious or sensitive concerns about wrongdoing

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur.

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

The manager/chair receiving the concern must consider whether the concerns raise fraud, corruption or child protection issues – in which case they should take appropriate action to report this to the relevant authorities.

Malicious reports

However, if an individual knowingly or maliciously makes an untrue allegation (*eg*: in order to cause disruption with HCK), HCK will take appropriate disciplinary action against them. It may constitute gross misconduct.

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

Limitations of this policy

Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees. However, HCK wants 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.

This policy does not deal with any complaints staff may have about their employment. This should be dealt with through The charity's Grievance Procedure.

The charity's Bullying and Harassment policy offers protection to workers against harassment, bullying and discrimination.

Raising a concern

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact:

- their trade union (if applicable), or
- the independent charity, Public Concern at Work's legal helpline on 020 7404 6609, email: helpline@pcaw.co.uk

Public Concern at Work will be able to advise on how and with whom to raise a concern about malpractice.

Individuals should in most cases, first report their concern to their line manager, who is expected to respond to that matter. If the relevant manager cannot deal with the matter, he or she will refer the concern to the Director.

Dependent on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing, the individual can, if necessary, report directly to the Director. If the matter concerns the Director, it should be raised with the Chair.

Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns.

The must say that they are raising the concern using the whistleblowing policy and whether they wish their identity to be kept confidential. While HCK will make every effort to deal with the case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, the individual will be informed of this and the reasons why it was not possible.

What happens once a concern is raised?

The Director/Chair receiving the concern must consider whether the concerns raise fraud, corruption or child protection issues – in which case they should take appropriate action to report this to the relevant authorities.

The Director/Chair otherwise will investigate the concern:

- They will arrange to meet the individual as soon as possible, away from the workplace, if necessary, to enable them to explain their concern.

- Respecting confidentiality if possible
- Where necessary interviewing other staff
- Keeping the employee informed within reason about the investigation, at least fortnightly.
- Giving both the employee who raised the concern and staff who are the subject of the concern/investigation the name of a trained member of staff as a contact point for support.
- Notifying staff who are the subject of the complaint about the nature and potential outcomes of the complaint
- Considering whether staff who are the subject of the complaint should on request be granted special leave or if more appropriate, suspended for the duration of the investigation. Please refer to the Disciplinary policy for further information on suspension.

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

- no action required
- action being taken under other HCK policy or procedure
- an internal investigation under this policy
- a referral to the police or relevant statutory body
- a referral to HCK's external auditors
- a referral to the Charity Commission

The Director/Chair will notify the employee in writing of the outcome of any investigation, or any action taken, subject to the constraints of confidentiality and the law.

Contacts

Director Pauline Everitt email hck@hospicecareenya.com tel 01905 936184

Chair Sally Hull email sally@hullonline.org

Monitoring

We recognise that it is important for us to regularly review this policy to ensure that it is fit for purpose and reflects best practice.

Date Adopted June 2020

Reviewed July 23

Date to be reviewed July 2026