



WHISTLEBLOWING POLICY

INTRODUCTION

The Ellen MacArthur Cancer Trust (the “Trust”) is committed to being open, honest and accountable. The Trust seeks to encourage a free and open culture in its dealings including those with its employees, volunteers, medics, freelance skippers and trustees (an “individual”) and is committed to ensuring that none of them should feel at a disadvantage in raising legitimate concerns.

The Trust aims to help an individual to raise any serious concerns that they might have about the Trust and/or another individual with confidence and without having to be worried about being victimised, discriminated against or disadvantaged in any way as a result.

The Public Interest Disclosure Act 1998 protects employees who “blow the whistle” on malpractice within their employer’s organisation.

This policy does not deal with any complaints employees may have regarding their employment which should be dealt with through the Trust’s Grievance Procedure.

THE SCOPE OF THIS POLICY

This policy is intended to cover serious or sensitive concerns about any wrongdoing such as:

- 1 A criminal activity;
- 2 A failure to comply with a legal obligation;
- 3 A failure in the protection of a child or vulnerable adult;
- 4 Improper conduct or unethical behaviour;
- 5 Financial malpractice or impropriety or fraud;
- 6 A fundraising practice;
- 7 A health and safety risk;
- 8 A failure to protect the environment;
- 9 A miscarriage of justice;
- 10 Attempts to conceal any of the above.

It is not necessary for the individual raising the concern to prove the wrongdoing that is alleged to have occurred or which might occur. Employees will not be treated any differently for having raised a concern and, where possible, their confidentiality will continue to be protected. However, if an individual knowingly and/or maliciously makes an untrue allegation, the Trust will take appropriate

action. If the individual is an employee it is possible that appropriate disciplinary action will be taken and that it may constitute gross misconduct.

CONFIDENTIALITY AND THE PROTECTION OF A PERSON RAISING A CONCERN

The Trust will seek to treat any disclosures in a confidential and sensitive manner. If requested, the identity of the individual(s) raising a concern may be kept confidential so long as it does not hinder or frustrate the investigation or if it is required to be disclosed by law. It is possible that the investigation process may reveal the source of the information and that source may need to provide a statement by which that person's identity will be revealed. It may be necessary for the individual raising the concern to give evidence in disciplinary or court proceedings. If, in any other circumstances, the concern cannot be resolved without revealing the identity of the individual raising the concern, the Trust's Whistleblowing Officer (see below) will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be less effective but the Whistleblowing Officer will decide whether or not to consider the matter taking into account:

- 1 The seriousness of the matter;
- 2 Whether the concern is credible;
- 3 Whether an investigation can be carried out based up the information provided.

If an individual raises a concern which he/she believes to be true, the Trust will take appropriate action to protect that individual from any harassment, victimisation or bullying.

If a genuine concern is raised by an employee, that individual will not be at risk of losing their job, nor will it influence any unrelated disciplinary or redundancy procedure. Individuals should, however, note that they will not be protected from the consequences of raising a concern if by so doing he/she commits a criminal offence.

THE PROCEDURE FOR RAISING A CONCERN

The officer designated to handle whistleblowing concerns is the Trust's Chief Executive Officer, Frank Fletcher (Email: frank.fletcher@emcancertrust.org or telephone 01983 297750) or, if the concern involves Frank Fletcher, to one of the Trustees, Richard Butcher (Email: richard.butcher@emcancertrust.org or telephone 0771 4244424). The person with whom the concern is raised will be the designated Whistleblowing Officer.

Dependent upon who is suspected of the wrongdoing and the seriousness and/or sensitivity of the concern, an individual should raise his/her concern with the appropriate Whistleblowing Officer. If the concern involves both Frank Fletcher and Richard Butcher it should be raised with the trustees.

Where possible, a concern should be set out in writing (including, if requested by the Whistleblowing Officer, where a concern has initially been raised by a telephone call). It should set out the history of the concern and, if relevant, provide names, dates and locations as well as the nature and basis of the concern.

Disclosure made to a legal advisor will normally be privileged and protected from having to be disclosed without consent.

Where appropriate, a thorough investigation will be conducted regarding the concern in respect of which there will be an objective assessment. The Whistleblowing Officer will inform the individual who raised the concern as to the progress of the investigation and the Trust will ensure that any appropriate action is taken to resolve that concern.

PLEASE NOTE: If the concern relates to fundraising, the individual raising the concern can, in the event that internal consideration by the Whistleblowing Officer (or, where appropriate the trustees) is not possible, escalate that concern to the Fundraising Regulator (or the Independent Fundraising Standards and Adjudication Panel for Scotland).