

# **DYFED ARCHAEOLOGICAL TRUST**

## **WHISTLEBLOWER'S POLICY**



Current since:

First adopted at the Management Committee [board] Meeting of: 26 April 2016

Date of review following first adoption: 2020

Revised following review: January 2020

Re-adopted at the Management Committee [board] Meeting of: 23 January 2020

Date of review following re-adoption: 31 December 2023

# **DYFED ARCHAEOLOGICAL TRUST ('DAT')**

## **WHISTLEBLOWER'S POLICY**

### **Introduction**

'Whistleblowing' means the raising by employees, trustees/members or volunteers of DAT of suspected misconduct or illegal acts, or the suppression of information relating to misconduct or illegal acts.

**The aim of this policy is to encourage employees and others who have serious concerns about any aspect of DAT's work to come forward and voice those concerns without fear of victimisation, harassment, subsequent discrimination, disadvantage or dismissal ('detrimental treatment').**

If you are considering raising a concern this Policy explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from detrimental treatment
- how to raise a concern
- what DAT will do.

### **Scope of the policy**

The policy is designed to deal with concerns raised in relation to the specific issues detailed below, and which fall outside the scope of other DAT policies and procedures. These concerns include:

- a criminal offence
- financial or non-financial maladministration or malpractice, fraud or corruption
- professional malpractice
- a risk to the health or safety of the public, employees or volunteers
- failure to comply with DAT's Memorandum and Articles of Association
- environmental damage
- improper conduct or unethical behaviour
- attempts to suppress or conceal any information relating to any of the above.

The above list is not exhaustive. Issues such as personal grievances, complaints of bullying or harassment, concerns about individual terms and conditions are not covered by this policy. Policies and procedures relating to these issues can be found in the staff handbook.

### **Who can raise a concern**

Concerns may be raised by:

- employees of DAT
- trustees and members of DAT
- volunteers of DAT

## **Protecting the Whistleblower**

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects whistleblowers against detrimental treatment or for raising concerns about matters in the public interest.

When a concern is raised DAT will take a whistleblower's concerns seriously. If appropriate DAT will consider re-deploying the whistleblower during the course of any investigation.

## **Confidentiality and anonymity**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of a whistleblower, if that is the wish of the whistleblower. However, if disciplinary or other proceedings follow an investigation, it may not be possible to take action without a whistleblower's evidence.

This Policy encourages a whistleblower to put their name to an allegation whenever possible, as concerns expressed anonymously are much less powerful. Anonymous concerns may be considered depending on:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from other sources

## **Untrue allegations**

If an allegation is made in good faith with a belief that it is true, but it is not substantiated by subsequent investigation, DAT will nevertheless recognise that the concerns were held in good faith and the whistleblower will have nothing to fear. If, however, an allegation is made frivolously, maliciously and/or for personal gain, appropriate action, including disciplinary action, may be taken against the whistleblower.

## **How to raise a concern**

A concern can be raised in writing or by email. Information on the nature of the concern should be accurate, relevant dates should be included and, where appropriate, supporting documents provided. When raising a concern the whistleblower should focus on the area of concern and avoid personal issues.

Normally, any concern should be raised with the Trust's CEO. If the concern is related to or may involve the CEO then the concern should be raised with the Chair of the Trustees. If the concern is related to the CEO and the Chair of the Trustees and/or other Trustees, then the concern should be raised with DAT's external auditors, or with the Charity Commission.

## **How DAT deals with concerns**

The persons to whom the concern is raised will normally consider the information and decide whether there is a *prima facie* case to answer. They will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be:

- investigated by management
- investigated by the Trustees

- referred to DAT's external auditors
- referred to the relevant external authority, such as the police or the Charity Commission

If the person with whom the concern is raised decides, following an initial investigation, not to proceed on the basis that there is no case to answer, the decision will be explained as fully as possible to the whistleblower. It is then open to the whistleblower to take the concern to another of the persons or organisations specified in the paragraph 'How to raise a concern'.

### **Investigation**

DAT will, as soon as possible following the raising of the concern by the whistleblower, produce a timetable for investigation. The person with whom the concern was raised will undertake an initial investigation to establish the relevant facts and, if there is a case to answer, decide what procedure to follow. This may include an investigation by management or by Trustees, an external investigation or reference to an external authority such as the police.

As soon as possible following conclusion of the initial investigation, DAT will notify the whistleblower whether, in its reasonable opinion, there is a case to answer and, if so, will notify the whistleblower of the timetable for investigation and the procedure proposed.

If DAT reasonably considers that there is a case to answer it will, as soon as possible following the initial investigation, notify the person or persons in respect of whom the concern is raised, supply a copy of the evidence supporting it, and notify them of the timetable and the procedure proposed. The person or persons will be invited to respond within 14 days of receipt of the information or such longer period as may be agreed.

Should an investigation lead DAT reasonably to conclude there has also been a breach of discipline, the member or members of staff responsible may, in addition to any civil or criminal proceedings, be subject to disciplinary action in accordance with DAT's disciplinary procedures.

### **Record keeping**

A signed and dated report on the concern raised and the actions taken will be produced by the person or persons who undertook the investigation. The whistleblower need not be identified in the report. The report will be kept for five years.