



# THE KENNET & AVON CANAL TRUST

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## Whistleblowing policy

1. In line with their duties under company and charity law, and in accordance with the guidance issued by the Charity Commission, the Trustees have adopted the following policy on Whistleblowing.

## Policy statement

2. The Trust is committed to maintaining high standards of openness, honesty, and accountability. In line with this commitment it encourages employees, members and volunteers with serious concerns about the way the Trust or Enterprise is run, or serious concerns about the behaviour of any employee or volunteer within the organisation, to come forward and voice those concerns, without fear of reprisal.

## Whistleblowing

3. Whistleblowing is the process by which an individual raises a concern about a perceived past, present or future wrongdoing in an organisation.
4. Any employee, member or volunteer of the Trust or Enterprise may raise any matter of conscience or professional concern that they are aware of in the course of their involvement with KACT and KACT(E). This may include something they believe to be illegal, or that endangers others.
5. Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing law, unless in the public interest.
6. Anyone raising a concern will be afforded protection, and will not be disciplined for raising a genuine serious concern.
7. All genuine concerns will be handled responsibly, professionally and in a positive manner.
8. An employee raising a matter which meets the requirements of a Qualifying Disclosure under the Public Interest Disclosure Act 1988 is provided with legal protection.

## The Public Interest Disclosure Act 1998

9. The Public Interest Disclosure Act 1998 provides protection for employees who raise legitimate concerns about specified matters which they believe are in the public interest. These are called Qualifying Disclosures. Although the law does not apply to volunteers, the categories of Qualifying Disclosures may also be useful if a volunteer is not sure whether a concern fits within the scope of this Policy.
10. A Qualifying Disclosure is one which, in the belief of the person raising the concern, shows that one or more of the following has happened, is happening at the present time, or is likely to happen in the future:
  - o a criminal offence
  - o the breach of a legal obligation



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- a miscarriage of justice
- a danger to the health and safety of any individuals
- damage to the environment
- deliberate concealment of information about any of the above

11. A Qualifying Disclosure cannot be about something which affects the individual raising the concern personally, but must be in the public interest. The exception to this is if an individual feels they are being asked to do something unethical or illegal, or if the individual feels victimised after making a qualifying disclosure.

## **Procedure**

12. In the first instance, any matters of concern should be raised with the Branch Chair, or with an employee's line manager.
13. If the matter involves Branch management, or you feel unable to raise it with a Branch Chair or line manager, it can be raised with any of the Trustees, either verbally or in writing. This will then be discussed in confidence at a Trustee meeting.
14. Anyone who feels their concern has not been satisfactorily resolved may write to any of the Trustees requesting a formal investigation.
15. A Whistleblowing Sub-committee will be formed comprising of at least three senior people within KACT and KACT(E), and including at least one Trustee. The Sub-committee will investigate the concern, and may ask the whistleblower to meet with them. The whistleblower may also request a hearing with the Sub-committee and has the right to be supported or represented by a person of their choice.
16. The Sub-committee will keep minutes and evidence and provide a written report of its findings with recommendations. The Trustees will meet to consider the recommendations and decide on the action to be taken.
17. Should the person raising the concern feel that the matter has been unsatisfactorily dealt with, the concern can be raised with the Charity Commission: <https://forms.charitycommission.gov.uk/raising-concerns/>
18. It is expected that the only concerns raised will be ones which are believed to be true by the person raising the concern. Anyone who acts in bad faith, or raises malicious, vexatious or knowingly untrue concerns will face disciplinary action.

## **Review**

19. The Trustees will review this policy on a biennial basis.

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Responsible Trustee: Alison Cannon

Date approved by the Trust Council: 27.11.23

Review Date: 27.11.25