



ESMÉE FAIRBAIRN FOUNDATION WHISTLEBLOWING POLICY

Esmée Fairbairn Foundation aims to encourage a free and open culture in dealings between Trustees, employees and all those with whom it engages. In particular, the Foundation recognises that effective and honest communication is essential if concerns about breaches or failures are to be dealt with effectively.

This policy is designed to provide guidance to all those who work with or within the Foundation who may from time to time feel that they need to raise certain issues relating to the Foundation with someone in confidence.

Employees who in good faith raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

Whistleblowing Procedure

- I. The Public Interest Disclosure Act 1998 protects workers who report wrongdoing within the workplace. This policy will apply in cases where employees genuinely and in good faith believe that one of the following sets of circumstances is occurring, has occurred or may occur within the Foundation:
 - a) A criminal offence has been committed, is being committed or is likely to be committed;
 - b) A person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
 - c) A miscarriage of justice has occurred, is occurring or is likely to occur;
 - d) The health and safety of any individual has been, is being or is likely to be endangered;
 - e) The Foundation is in breach of health and safety or environmental law; or
 - f) Information tending to show any matter falling within any one of the preceding points has been, is being or is likely to be deliberately concealed.

It is not necessary that employees prove the breach or failure that they are alleging has occurred or is likely to occur, but may simply raise a reasonable suspicion. However, they should note that they will not be protected from the consequences of making such a disclosure if, by doing so, they commit a criminal offence or if they make the disclosure motivated by a reason which is not in good faith.

2. If employees wish to raise or discuss any issues which might fall into the above category, they should contact the Chief Executive or, in her absence or in any other circumstances, the Chief Operating Officer who will then investigate the matter and report back to the whistleblower with any findings or actions as appropriate.

The Chief Executive will report all such accusations to the Chair. If the whistleblower is dissatisfied with the findings or actions he or she may appeal to the Chair.

In such cases it is likely that further investigation will be necessary, and employees may be required to attend a disciplinary or investigative hearing as a witness. Appropriate

steps will be taken to ensure that their working environment and working relationships are not prejudiced by the fact of the disclosure.

3. If employees reasonably believe that the relevant failure (i.e. one of the set of circumstances listed above under clause 1.) relates wholly or mainly to the conduct of a person outside the Foundation or any other matter for which a person or organisation other than the Foundation has legal responsibility, then they should make that disclosure to that other person or organisation.

Also, employees may make such a disclosure to [Protect](#) (formerly Public Concern at Work), the leading authority on public interest whistleblowing, if they consider that it has an interest in the matter and, despite the best efforts of the Foundation, employees believe that disclosure within the Foundation is inappropriate or has been unsuccessful. Disclosures made to employees' legal advisors in the course of obtaining legal advice will be protected.

4. Employees should be aware that the policy will apply where a disclosure is made in good faith and where they reasonably believe that the information disclosed and any allegation contained in it are substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within the Foundation), or concerns information which employees do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the Foundation 's Disciplinary Procedure and may constitute gross misconduct for which dismissal without notice or payment in lieu of notice is the sanction.
5. While the Foundation hopes that such disclosures will never be necessary, it also recognises that it may find itself in circumstances which are new to it. Each case will be treated on its own facts.

Reviewed: July 2021