

Disclosure of Malpractice in the Workplace Policy

Purpose

It is vital that everyone who is associated with dPc maintains the highest standards of conduct, integrity and ethics, and complies with local legislation. If an employee, volunteer, partner, consultant or contractor has any genuine concerns about malpractice in the workplace, we wish to encourage them to communicate these without fear of reprisals and in the knowledge that they will be **protected from victimisation and dismissal**.

This policy does not form part of an employees' terms and conditions of employment and may be subject to change at the discretion of management.

Definition

Malpractice includes (but is not limited to) the issues listed below:

- Financial wrongdoing including theft, bribery, fraud, money laundering and aid diversion (see dPc **Anti-Corruption Policy**)
- A failure to comply with any legal obligations
- Sexual misconduct, including sexual abuse, harassment or exploitation (see dPc **Safeguarding Policy**)
- Abuse or exploitation of children, vulnerable adults or beneficiaries (see dPc **Safeguarding Policy**)
- Breach of dPC policy
- Abuse of position
- Danger to the health and safety of individuals or damage to the environment
- Improper conduct or unethical behaviour
- Activity which would bring the organisation into serious disrepute
- The deliberate concealment of information relating to any of the matters listed above

Scope

If an employee or associate has a genuine concern and have a reasonable belief it is in the public interest, even if it is later discovered that you are mistaken, under this policy you will not be at risk of losing your job or from suffering any form of retribution as a result. This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice. Those found to be making false allegations maliciously will have disciplinary action taken against them.

Malpractice is not a complaint about the performance and behaviour of a manager or other work colleague towards you. Such complaints will be directed for action to dPc's HR policies and procedures.

Complaint Procedure

If you genuinely believe that the actions of someone who works for dPc could lead to or has resulted in malpractice, please follow the procedure below. Please note this procedure is not intended to replace dPc's Grievance Procedures, which continues to be the appropriate way to raise personal issues relating to the specific job or employment.

1. Raise the matter with your line manager or dPc Director, who will consult with the appropriate contact point.

At the point of raising a concern it would be useful for you to share information describing:

- Whether anyone is at immediate risk of harm?
- What happened? If possible make note of dates, times, places and people.
- Who is involved?
- How do you know about it?
- When were you first concerned about it?
- Have you told anybody about it?
- Was any action taken?

All managers should:

- Report incidents of theft, fraud, or corruption immediately to dPc's Director
- Report Safeguarding concerns relating to sexual abuse or exploitation of children, vulnerable adults, beneficiaries or any dPc representative to dPc's Director or donor (as appropriate)
- Report any other incidents of malpractice in the workplace to your line manager or the Director of dPc

2. A decision will be made on whether it is appropriate to handle such complaints under this policy. Where not appropriate the complainant will be informed and their permission sought to divert the issue to the appropriate HR procedure.

3. When matters are reported under dPc's **Anti-Corruption Policy**, then these procedures will be followed. If an investigation is conducted, the outcome may involve taking disciplinary action if misconduct has been proved, which may include dismissal.

4. When matters are reported as a violation of dPc's **Safeguarding Policy**, then its Safeguarding Investigation Guidelines will be followed. If an investigation is conducted, the outcome may involve taking disciplinary action if misconduct has been proved, which may include dismissal.

The complainant will be notified once the matter has been resolved, but outcomes are subject to confidentiality and may not be communicated.

dPc will take appropriate action, which may end in dismissal, in accordance with the relevant procedure against any employee, volunteer or consultant who:

- Has been found to be victimising another individual for using this procedure, or deterring them from reporting genuine concerns under it.
- Made a disclosure maliciously that is known to be untrue or without reasonable grounds for believing that the information supplied was accurate.

Complainants are strongly encouraged not to make anonymous disclosures as details and further concerns cannot then be checked and this may seriously limit the ability of investigators to pursue your concerns. Nonetheless, all disclosures, made anonymously or otherwise, will be reviewed but lack of information may limit the nature, extent and outcome of the investigation.

Normally an independent person from within dPc will be appointed. On rare occasions, or for complex cases such as safeguarding, external investigation support may be sought.

The issue may also be reported to the police if a criminal offence, such as fraud or theft, or sexual assault has been committed.

If the complaint concerns the performance or behaviour of a manager, colleague or professional associate, then it will be directed for action to the appropriate HR policy unless the concerns relate to concerns of sexual misconduct or other forms of malpractice listed in this policy.

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