



# **Whistleblowing Policy**

July 2024

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<b>Purpose</b>	The purpose of this policy is to provide an effective procedure for concerns about actual or perceived wrongdoing, within Concern (or its partner organisations), to be raised.		
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<b>Relevant Laws and Regulations</b>	The Irish legislation related to this policy is the Protected Disclosures Act 2014 (as amended by the Protected Disclosure (Amendment) Act 2022). The UK legislation related to this policy is the Public Interest Disclosures Act 1998.		

Date	Version	Changes	Created by
1/1/2019	1.0	Initial Policy	Jim Hynes
28/1/2024	2.0	Update primarily driven by legislation changes in ROI	Aoife Gleeson

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## **1. Purpose**

The purpose of this policy is to provide an effective procedure for raising concerns about actual or perceived wrongdoing, within Concern (or its partners).

Under this policy, a person can raise a concern without fear of suffering penalty, threat, less favourable treatment, discrimination or disadvantage by Concern.

## **2. Scope**

This policy applies to everybody working for Concern (currently or formerly) including all employees as well as trainees, interns, volunteers (including Board members) contractors, agency workers, consultants, apprentices, job applicants and individuals who acquire information during pre-employment contractual negotiations. Collectively, they are referred to in the policy as 'workers'. This policy also applies to our partners.

For the purposes of this policy 'Concern' shall be taken to mean Concern Worldwide, Concern Worldwide UK and its subsidiaries, Concern Charity Trading, the Concern Worldwide Korea Foundation and all Concern Worldwide international country programme offices unless otherwise stated (collectively the 'group').

Concern Worldwide US has its own separate and distinct policy which aligns with this policy.

This policy is intended to cover concerns that may initially be investigated separately and might lead to the instigation of disciplinary proceedings.

## **3. Compliance with Laws and Regulations**

This policy is designed to comply with protected disclosures (whistleblowing) legislation in the jurisdictions where Concern operates, primarily the Protected Disclosures Act 2014 (as amended by the Protected Disclosures (Amendment) Act 2022) in the Republic of Ireland, but also the UK's Public Interest Disclosures Act 1998.

Outside of Ireland and the UK, the application of relevant in-country legislation and regulation must also be considered. Where no legislation is in place, this policy will apply.

## **4. What is Whistleblowing?**

Whistleblowing is making a disclosure of suspected wrongdoing on the part of individuals or groups of people related to Concern's work. It is designed to enable concerns about wrongdoings to be raised confidentially, at a high level.

The person who is making the protected disclosure can be referred to as a whistleblower or a reporting person.

The term "wrongdoing" covers instances where someone working with or for Concern appears to be acting improperly, negligently or criminally. Under the Protected Disclosures Act 2014 (as amended by the Protected Disclosures (Amendment) Act 2022) (Ireland's whistleblowing legislation), relevant wrongdoings include:

- an offence that has been, is being or is likely to be committed, which includes criminal activity (e.g., fraud, theft, bribery, breach of an EU law, etc.).
- where a person has failed, is failing or is likely to fail to comply with any legal obligation.
- where a miscarriage of justice has occurred, is occurring, or is likely to occur.
- when the health or safety of any individual has been, is being, or is likely to be endangered.
- where the environment has been, is being, or is likely to be damaged (e.g. illegal dumping of hazardous waste).
- an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, which has occurred, is occurring, or is likely to occur.
- information tending to show where any matter falling within any of the preceding paragraphs has been, is being, or is likely to be concealed or destroyed.

- incidences of modern slavery in our workforce or supply chain.<sup>1</sup>

This list is not exhaustive.

Concern is committed to the highest possible standards of openness, transparency and accountability in all its affairs. It will not always be clear that a particular situation falls within one of these categories of “relevant wrongdoings”, and you are encouraged to report other types of wrongdoings as appropriate.

Please note that complaints related to personal grievances such as bullying, harassment, etc. are generally not considered to be whistleblowing and are not covered by this policy.

## **5. Reasonable Belief**

A person reporting an issue of concern does not need to be certain that wrongdoing has taken place. It is sufficient that they have reasonable belief that a wrongdoing (in a work-related context) was, is, or may be about to be committed.

## **6. Reporting**

It is essential that anyone connected with Concern who suspects or knows that wrongdoing has taken place, is taking place, or is likely to take place, reports their concerns (see Appendix I for the detailed procedure to follow).

It is important to note that should you have a concern in relation to your own employment or personal circumstances in the workplace it should be dealt with by way of our Grievance Procedure or other applicable procedures.

## **7. Protection from Penalisation**

Concern recognises that the decision to report a suspicion can be a difficult one to make, not least because of the fear of reprisal from those responsible for the suspected or actual wrongdoing. Concern will not tolerate harassment, victimisation or pressures being placed on someone to discourage them from reporting and will take all practical steps to protect those who raise an issue.

Concern recognises that such pressure can take many forms; it may be direct or indirect, and may be applied by fellow employees, management, partner organisations, or those who supply us with goods and services.

Examples of such pressure include, but are not restricted to, unfair or adverse treatment (whether by commission or omission) that result in the worker suffering any unfavourable change in his/her conditions of employment including (but not limited to):

- suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts) or the threat of suspension, lay-off or dismissal;
- demotion or loss of opportunity for promotion;
- transfer of duties, change of location of place of work, reduction in wages or change in working hours;
- imposition of any discipline, reprimand or other penalty (including a financial penalty);
- coercion or intimidation;
- discrimination, disadvantage or unfair treatment;
- injury, damage or loss;
- threats of reprisal;
- verbal, written or physical harassment;
- withholding of training;

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<sup>1</sup> Modern slavery is defined as the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of exploitation. It is a crime under the [UK] Modern Slavery Act 2015 and includes holding a person in a position of slavery, servitude forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after.

- a negative performance assessment or employment reference;
- isolation or exclusion from social activities;
- bullying.

This list is not exhaustive.

Concern will not penalise or threaten to penalise a person for raising an issue based on a reasonable belief under this policy. Concern will take all practical steps to prevent any other person from penalising or threatening penalisation (including informal pressure such as those examples listed above) for raising an issue under this policy. Country Directors, line managers and HR have a particular responsibility to protect staff from unfair, adverse treatment as a result of disclosing a concern.

If a worker believes they have been penalised for making a protected disclosure, they should report this to their line manager or another senior manager as soon as possible.

### **8. Confidentiality**

Confidentiality is a central tenet of our response to a protected disclosure and we aim to protect the rights of our workers, including any individual against whom an allegation is made, during and following any investigation. Concern will endeavour to take all reasonable steps to protect an individual's identity when they raise an issue but do not want their identity to be disclosed to those accused of wrongdoing and/or other colleagues.

The explicit consent of the reporting person (i.e. the whistle-blower) must be obtained before their identity is disclosed. This consent must be obtained by the person to whom they have reported the concern (see Appendix 1, Section B). This requirement for explicit consent does not extend to scenarios where the disclosure of the reporting person's identity is reasonably considered necessary for the purposes of the receipt or transmission of, or follow up on, the protected disclosure (e.g. to colleagues within the HR team, Legal team or the Internal Audit & Investigations team). If a decision is taken to disclose the reporting person's identity, they must be informed in writing, in a language that they can read.

It should be understood, however, that there may be exceptional circumstances, including where required by law, where the identity of the person making the disclosure may have to be revealed. For example, an investigation of any wrongdoing may need to identify the source of the information, and a statement by the individual may be required as part of the evidence. In relation to safeguarding issues, Concern adopts a survivor centred approach which will guide the process for dealing with the disclosures made.

### **9. Anonymous Reporting**

Anonymous reporting is where an individual makes a disclosure without leaving their name. Confidential reporting is where an individual does not want their identity to be disclosed to those accused of the wrongdoing and other colleagues.

Concern understands that you may wish to report your concerns anonymously and accepts that this may occur from time to time. However, Concern encourages people to put their name to disclosures where possible as anonymous reporting can make it difficult to clarify the issues, substantiate claims, investigate concerns properly, and provide feedback. Issues expressed anonymously will be considered at the discretion of Concern. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the allegations and the supporting facts;
- The likelihood of confirming the allegation from attributable sources;

### **10. Untrue Allegations**

If an allegation is not confirmed by an investigation, as long as the complainant raised the concern in line with this policy and had reasonable belief of the wrongdoing, Concern shall not take any action against the complainant. If,

however, individuals make malicious or vexatious allegations, disciplinary action may be taken against the individual making the allegation.

## **12. Review of this Policy**

This Policy will be formally reviewed every three years. In the interim, management is authorised to make adjustments as may be required – however any other significant revision will need the approval of the Audit and Risk Committee of the Board of Concern Worldwide in Dublin.

## Appendix 1 – Reporting and Response Procedure

### A. The Procedure

There are different ways of making a disclosure:

- internally, to Concern;
- to a ‘prescribed body’ (for example, the Charity Regulator in Ireland); or
- to other third parties under specified conditions set out in legislation (for example, the Office of the Protected Disclosures Commissioner (the **Commissioner**)).

Concern strongly encourages you to make disclosures internally in the first instance.

### B. Reporting Mechanism

A worker should raise a concern through Concern’s internal reporting channel as outlined below. Once a worker raises a concern under this policy, they shall receive an acknowledgement in writing within 7 days of its receipt.

#### i. Line Management

As soon as you become aware of or have good reason to believe that a wrongdoing has occurred, is occurring, or is likely to occur, you should raise the matter with your line manager. This may be done **orally or in writing (which includes email)**. You do not need to be certain about the facts in their disclosure. It is sufficient that you have a reasonable belief that the information provided shows one or more relevant wrongdoings and that the information came to your attention in a work-related context.

For partner organisations, consultants, contractors and job applicants, you should raise the matter with your key point of contact within Concern.

#### ii. Senior Management

If you feel unable to raise the matter with your line manager/your key point of contact within Concern, you should raise it with a more senior manager. This may be done **orally or in writing (which includes email)**.

Concerns can be raised with the following:

- Country Director
- Regional Director
- Director (member of the Senior Management Team)
- Director of Safeguarding
- Head of Internal Audit & Investigations

#### iii. Alternative Reporting Mechanism

If you have concerns that you feel cannot be raised through line management/your key point of contact within Concern, or if you were not satisfied with the response you received, the following alternative contact channel is available to you:

Whistleblowing helpline - This helpline is monitored by the Concern Worldwide Internal Audit & Investigations department and is accessed as follows:

- By email to [whistleblowing@concern.net](mailto:whistleblowing@concern.net)
- By telephone to 00-353-1-479-1326
- By post marked “Private & Confidential” to Internal Audit & Investigations department, Corporate Services, Concern Worldwide, 52-55 Lower Camden Street, Dublin 2, Ireland.

It is worth stressing that the Head of Internal Audit & Investigations has a direct line of contact to the Board of Concern Worldwide in Dublin and is empowered to take any cases considered appropriate directly to that level.



#### **iv. Managers Responsibilities**

Managers have a responsibility to treat concerns raised seriously and should consult with the responsible personnel, depending on the nature of the concern raised, as follows:

- For complaints about personal grievances such as bullying, harassment, etc. (which are generally not considered to be whistleblowing and not covered by this policy), follow procedures set out in the HR Manual for the office where you are based.
- For incidents of fraud, theft or corruption, Concern's Anti-Fraud Policy<sup>2</sup> should be referred to and the Internal Audit & Investigations Department notified - [fraudmailbox@concern.net](mailto:fraudmailbox@concern.net).
- For issues relating to sexual harassment, sexual exploitation and sexual abuse, Concern's Code of Conduct and associated policies should be referred to, and the Protection & Safeguarding Unit notified - [safeguarding@concern.net](mailto:safeguarding@concern.net).
- For any other wrongdoing incidents, seek guidance from your line manager to identify the best reporting line or use the alternative reporting mechanisms outlined in the section above.

While disclosures may be raised either orally or in writing, Concern's preference is that a disclosure is confirmed in writing.

#### **v. Designated Person**

Following receipt of a disclosure, Concern will determine the next steps, including the appointment of an impartial person or persons competent to follow up on the concerns raised (a **Designated Person**).

The Designated Person is really the point of contact with the person who has made the complaint and may (but will not necessarily) be the person to whom you made the initial disclosure and will have received training for the purposes of handling reports. Likewise, the Designated Person may be someone external to the Concern.

The Designated Person will be responsible for maintaining communication with the worker who raised the concern and, where necessary, request further information from, and provide feedback to that worker in cases where a disclosure leads to an investigation - (in line with Section D below).

#### **C. Information/evidence to include**

It is important to provide as much information as possible to facilitate an investigation of the issue.

Any disclosure should be factual (to the best of your knowledge) and should address the following key points to the extent that such information is known, in relation to the alleged wrongdoing (that has occurred, is occurring, or is likely to occur):

- what has occurred (or is thought to have occurred)
- when it occurred
- where it occurred
- who was involved
- if there are any other witnesses
- how you became aware of it

It is not necessary to have/provide hard evidence of wrongdoing before reporting a concern.

#### **D. How Concern will respond**

Concern is committed to treating all disclosures consistently and fairly. The person who has received the disclosure covered by this policy must acknowledge its receipt in writing within seven days of the disclosure being received.

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<sup>2</sup> Available on [www.concern.net](http://www.concern.net)

An initial assessment of the disclosure will be undertaken to assess whether there is a *prima facie* case that the relevant wrongdoing occurred (the carrying out of an initial assessment as to whether there is *prima facie* evidence that a relevant wrongdoing may have occurred).

If, having carried out an initial assessment, it is agreed with the Internal Audit & Investigations Unit that there is no *prima facie* evidence that a relevant wrongdoing may have occurred, the worker will be notified, in writing (in a language that they can read), as soon as practicable of that conclusion and the fact no further steps will be taken under this policy.

As noted above, in cases where a disclosure leads to an investigation, a Designated Person will be assigned to the case. This must be agreed with the Internal Audit and Investigations Unit.

Depending on the seriousness of an allegation, urgent action may be required before an investigation is launched (for example, removing a health and safety hazard or suspending a person from duty or reducing his/her access to programmes to prevent a serious incident).

Disclosures may, depending on the seriousness of an allegation(s), be referred immediately to the appropriate authorities, and reported to donors as appropriate or where required.

Matters raised in a disclosure may, where appropriate:

- be investigated by Concern;
- be referred to an external auditor;
- be referred to an external enforcement agency or regulator;
- form the subject of an independent (third party) inquiry;
- be dealt with in accordance with Concern's grievance and disciplinary procedures.

Where a disclosure leads to an investigation, this investigation will be conducted in line with Concern's Investigation Guidelines and conducted fairly and objectively and with due regard to the rights of the participants in the investigation.

#### **E. Feedback and outcome of the investigation**

Some situations may be resolved promptly, whilst others may take longer because they require formal investigation.

As noted above, if having carried out an initial assessment, it is decided that there is no *prima facie* evidence that a relevant wrongdoing occurred, the procedure can be closed and the reporting person notified, in writing (in a language that they can read), as soon as practicable, of the decision.

However, if, having carried out an initial assessment, it is decided that there is *prima facie* evidence that a relevant wrongdoing may have occurred, appropriate action must be taken to address the relevant wrongdoing, having regard to the nature and seriousness of the matter concerned.

Feedback on the progress of any concerns raised will be given as soon as possible, but not more than three months from the date the acknowledgement of receipt of the protected disclosure by the Designated Person.

The Designated Person will provide further feedback to the worker who has raised the concern, where they request it in writing, at intervals of three months until such time as the procedure relating to the Protected Disclosure concerned is closed.

The Designated Person must inform the worker who has raised the concern when the procedure relating to the Protected Disclosure is closed.

It may not be possible to give detailed feedback, particularly in relation to sensitive cases. Workers should be advised of any delays or difficulties in providing feedback. The provision of any feedback is shared on a confidential

basis and workers should be aware that, for data protection and privacy related reasons, it is unlikely that they will be made aware if any disciplinary action is to be taken against another worker on foot of an investigation triggered by their protected disclosure. If the individual is not satisfied with the response that they have received, they can raise the matter with the Chief Operations Officer.

Once the investigation is complete, appropriate action will be taken to resolve the issue. This may involve taking disciplinary action if a clear case of wrongdoing can be proved, and reporting to the police if a criminal offence such as fraud or theft has been committed. Cases of serious wrongdoing may result in dismissal.

#### **F. Prescribed Bodies**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace that should ensure that the issue is addressed. However, if you feel that it is appropriate to raise your concerns to a prescribed/external body rather than internally, you should make sure that you have chosen the correct body for your issue.

For the Republic of Ireland, a list of prescribed persons can be found at: [www.gov.ie/prescribed-persons](http://www.gov.ie/prescribed-persons). More information on other reporting channels can be found through the Office of the Protected Disclosures Commissioner - [OPDC Home | Protected Disclosures Commissioner | OPDC.ie](#).

For the UK, a list is available on the UK Government website - [Prescribed bodies](#).

In general, these bodies have regulatory functions in the area which are the subject of the allegations. Concern strongly encourages you to seek advice in line with section G below before reporting a concern to external bodies.

Workers should be aware that more stringent standards apply where concerns are raised with a prescribed person and/or the Commissioner, such as that the worker must reasonably believe the information being disclosed and that any allegations in it are substantially true and that that the relevant wrongdoing is within the remit of the prescribed person.

#### **G. External Sources of Information and Advice**

Transparency International Ireland operates a confidential free-phone service for anyone considering reporting a concern or making a protected disclosure. Details on how to contact them can be found on their website ([www.transparency.ie/helpline](http://www.transparency.ie/helpline)).

Charity Protect, a UK based organisation, also provides free confidential advice to workers who have concerns about malpractice/wrongdoing in the workplace. Details on how to contact their Advice Line can be found on their website (<https://protect-advice.org.uk/>).

## Appendix 2 – Summary of Internal Reporting Process

