



Mandala Yoga Ashram Whistleblowing Policy

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1. BACKGROUND

There is now widespread recognition in government and public, private and voluntary organisations of the important role that whistleblowing plays in achieving effective governance and an open culture. The British Standards Institution's Code of Practice on Whistleblowing Arrangements produced by a broad working group, states in its introduction:

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‘Every organization faces the risk that something will go badly wrong and ought to welcome the opportunity to address it as early as possible. Whenever such a situation arises, the first people to know of the risk will usually be those who work in or with the organization. Yet while these are the people best placed to raise the concern before damage is done, they often fear they have the most to lose if they do speak up. Research for the Institute of Business Ethics has shown that while one in four employees are aware of misconduct at work, more than half (52%) of those stay silent’.

2. BENEFITS

Organizations that can overcome this culture of silence by encouraging openness are likely to benefit in a number of ways.

An organization where the value of open whistleblowing is recognized will be better able to:

- deter wrongdoing;
- pick up problems early;
- enable critical information to get to the people who need to know and can address the issue;
- demonstrate to stakeholders, regulators and the courts that they are accountable and well managed;
- reduce the risk of anonymous and malicious leaks;
- minimize costs and compensation from accidents, investigations, litigation and regulatory inspections; and
- maintain and enhance its reputation.

‘The main reason enlightened organizations implement whistleblowing arrangements is that they recognize that it makes good business sense. On the other hand, those few organizations that deliberately engage in wrongdoing to boost profits or that routinely flout the law will not want to encourage whistleblowing.’¹

Whistleblowing is one of the most effective ways to uncover fraud against organisations.

2.1 OBSTACLES

Evidence suggests that workers fail to speak up because of fear of reprisal and/or a concern that they will not be listened to and that nothing will be done. Too often, those who speak up are ignored or their concerns do not come to the attention of management. In the YouGov survey commissioned by Public Concern at Work in 2013, of those that had a serious concern, 66% said they had raised it. When asked about the most likely barrier to raising a concern this was stated as the fear of reprisal or the response of colleagues. Further cases

¹ From the Whistleblowing Commission Report 2013 Public Concern at Work.

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analysed in “The inside story”² revealed that 74% of whistleblowers said they were ignored when they first raised a concern. This research also established that it is likely individuals only raise a concern once (44%) or twice at most (39%) before giving up.

3. LEGAL ISSUES

The acts that have informed best guidance in this field are as follows:

Public Disclosure Act 1998 (PIDA) The Statutory Framework for employment protection for Charity workers who make a qualifying disclosure (or blow the whistle) to The Charity Commission about suspected wrongdoing including crimes. *This does not cover volunteers but employees only.*

The Charities (Protection and Social Investment) Act 2016 gave new powers to address and remedy abuse in Charities. A Survey undertaken on Charities and Whistleblowing practice identified that 60% of breaches were for Governance issues and other issues raised were breaches of trust, financial issues including Trustee benefits.

4. SCOPE

Whistleblowing upholds notions of honesty and integrity. Mandala Yoga Ashram expects all those involved in the running of our organisation to maintain high standards in relation to our guests, residents and all who we serve, both, within the confines of the Ashram and also the wider community. We are committed to investigating any suspected wrongdoing, including ‘covering up’, and we will endeavour to create a culture where such incidents will be reported as soon as possible.

This policy covers all in the Core Team, wider Ashram team members, visitors, contractors, guests, trustees, guest speakers and course leaders who have legitimate access to the day to day running of the Ashram

This policy does not take the place of other policies concerning Safeguarding, Confidentiality and Data Protection policies.

5. WHAT THIS WHISTLEBLOWING POLICY COVERS

5.1 This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption

² The Inside Story Public concern at Work (2013) University of Greenwich research into 1000 whistleblowers experience.

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- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

Mandala Yoga Ashram recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers that make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to the Core Team, Trustees and/or to those for whom Mandala Yoga Ashram provides a service.

Mandala Yoga Ashram will take appropriate action to protect a whistleblower that makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

5.2 Confidentiality

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests.

Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

Mandala Yoga Ashram will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

5.3 Anonymous Allegations

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Director or Chair of the Trustees.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

5.4 Untrue Allegations

No disciplinary or other action will be taken against a whistleblower that makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

5.5 Allegation

Whether a written or oral report is made it is important that relevant information is provided including:

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- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

5.6 Action on receipt of an Allegation

A member of the Core Team will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the Treasurer will be informed within 5 working days of receipt of the allegation. The Treasurer will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Trustees and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children, the appropriate authorities will be informed immediately.

If the issue is around suspected harm to vulnerable adults, the Safeguarding Policy should be followed.

5.7 Timetable

A clear acknowledgement of the allegation will be made in writing within 10 working days and will include:

- An indication of how Mandala Yoga Ashram proposes to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously Mandala Ashram will be unable to communicate what action has been taken.

5.8 Support

Mandala Yoga Ashram will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings Mandala Yoga Ashram will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Mandala Yoga Ashram accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

5.9 Responsibility for the Procedure

The Director and Chair of Trustees have overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

5.10 Monitoring

A Register will record the following details:

- The name and status (e.g. volunteer) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board of Trustees.

The Chair will report on any whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers.

Mandala Yoga Ashram has a duty to report to the Charity Commission incidents that are identified as significant.

6. EXTERNAL DISCLOSURES THE CHARITY COMMISSION

6.1 What to report to the Charity Commission

Charity Commission guidance says that individuals can report things that have happened, are happening or are likely to happen. Only report issues to them that could seriously harm to:

- the people a charity helps
- the charity's staff or volunteers
- services the charity provides
- the charity's assets
- the charity's reputation

Examples of serious harm include:

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- if someone's health or safety is in danger, for example if a charity does not use its safeguarding policy
- a criminal offence, for example theft, fraud or financial mismanagement
- if a charity uses its activities as a platform for extremist views or materials
- loss of charity funds, for example when a charity loses more than 20% of its income or more than £25,000
- if the charity does not meet its legal obligations, for example if someone uses a charity for significant personal advantage.

6.2 Process of reporting to Charity Commission

Email whistleblowing@charitycommission.gov.uk and answer these questions:

1. What is the name of the charity? Include its [registration number](#) if it's registered.
2. What is your name?
3. What is your role at the charity? If you no longer work for the charity, please tell us when you left.
4. Are you a charity employee or a volunteer?
5. What is your concern?
6. What impact does it have on the people the charity helps, its assets, services, staff or reputation?
7. Have you followed your charity's complaints procedure or raised it with the charity's trustees? What was the response? If you have not raised it with your charity, please explain why not.
8. Have you contacted other organisations, like the police or HMRC? Include reference numbers, the name of who dealt with it and their response if you have.
9. Do you give permission to us to reveal your identity to the charity's trustees?
10. If you attach evidence to your email, how is it relevant to your concern?

7. WHO ELSE TO TELL

You should also tell:

- [the police](#) about a crime or if you're worried regarding someone's safety
- HMRC if you have concerns about tax, like [money laundering](#) or [tax evasion](#)
- [Action Fraud](#) if you suspect fraud
- the police if you [suspect terrorist activity](#)

8. INDEPENDENT ADVICE

There is access to an Independent Ashram Adviser, Robert Spedding, who you can contact to discuss concerns in the early stages of a complaint. This could be an opportunity to talk through the issues before making a formal allegation.

For free advice about blowing the whistle on a charity, call:

Protects free and confidential advice line, Telephone: 0800 055 7214. Protect, a specialist whistleblowing charity, can help explain:

- what types of wrongdoing you can report

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- your legal rights
- next steps if you decide to report something

9. REVIEW

This policy will be reviewed annually.

10. CONTACTS

Chair of the Trustees	Abhaya Rupa 01922 647 728 abhayarupa44@hotmail.com
Ashram Manager	Nick Edge/ Swami Satyadaya 01558 685358 info@mandalayoga.net
Independent advisor to the Ashram	Robert Spedding 01794 390629 rishiputra108@googlemail.com
Charity Commission Help line	080000 557214 Email whistleblowing@charitycommission.gov.uk
Protect (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

References

The Inside Story University of Greenwich research into whistleblowing

The Charity Commission guidance on whistleblowing

ICO guidance on whistleblowing