

Complaints and Whistle Blowing Policy

1. Objective

This policy sets out the Deep Sea Conservation Coalition's (DSCC's) framework for dealing with grievances, which could include, for example, allegations about poor conduct, financial irregularity or possible unlawful action involving DSCC funds or personnel.

The DSCC is committed to the highest standards of transparency, probity, integrity, and accountability. This policy provides guidance on how to handle complaints, grievances, and whistle blower disclosures in relation to this policy that should be addressed promptly, constructively, impartially, politely and with due respect for confidentiality and non-retaliation against whistle blowers.

2. Scope

This policy applies to all DSCC personnel (as defined below) to take note and follow the procedures for complaints, grievances and whistle blowing.

3. Definitions

For the purposes of this policy:

DSCC personnel refers to DSCC Board members, Steering Committee members, and Secretariat consultants and contractors.

A **complaint** is a notification from a person external to DSCC that they are dissatisfied with DSCC in some way, for example because the DSCC has not acted properly or fairly.

A **grievance** is where a person working for the DSCC wishes to raise an issue about their treatment by DSCC or colleagues.

A **whistle-blower** is a person who brings up or exposes information about alleged wrongful activity by DSCC personnel. This may include, for example,

- a. breach of the law;
- b. serious health and safety risks;
- c. damage to the environment;
- d. unauthorized use of DSCC funds;
- e. Possible fraud or corruption, or abuse of authority;
- f. sexual, physical, or verbal abuse, or bullying or intimidation;
- g. other breach of legal or professional obligations or DSCC policies and procedures;
- h. other unethical conduct.

4) Complaints procedure

- a) A complaint shall be treated as a formal complaint requiring a response, where it is:

- i) Received in writing,
 - ii) Pertains to DSCC activities or personnel acting on behalf of DSCC,
 - iii) Pertains to recent events reasonably within memory (e.g., within the past 24 months),
 - iv) Is not reasonably determined to be a vexatious or repeated complaint that has previously been dealt with.
- b) The Executive Director shall either deal with complaints directly, or shall delegate to another DSCC personnel, as appropriate.
- c) The person dealing with a formal complaint must:
- i. Acknowledge the complaint to the complainant in writing, seeking more information where helpful and appropriate;
 - ii. Deal reasonably and sensitively with the complaint, gathering evidence and investigating it impartially, and recording in writing the steps taken to investigate the complaint and the facts uncovered;
 - iii. Determine whether the complaint should be fully upheld, partially upheld or not upheld;
 - iv. Communicate the outcome of the investigation to the complainant; and
 - v. Take follow-up action where appropriate, including recommendations to the Executive Director / Board (e.g. disciplinary action, amendment to DSCC practices or policies, issue of any apology, etc.).
- d) If a complainant is not satisfied with the initial response to a formal complaint then they can write to the Chair of DSCC's Board and ask for the complaint and the response to be reviewed. This option should be explained to the complainant when the initial decision is communicated back to the complainant.

5. Grievance procedure

- a) A person with a grievance should start by talking it over with their line manager with the aim to agree a solution informally.
- b) If the matter is serious, and/or the aggrieved person wishes to raise the matter formally, they should set out the grievance in writing to the line manager. A written grievance should focus on the facts and avoid language that is insulting or abusive.
- c) Where the grievance is against the manager and the aggrieved person feels unable to approach him or her, they should talk to or send written notice to another manager or Board member.

- d) Where a written grievance is submitted, the manager (or other manager or Board member) should call the aggrieved person to a meeting, normally within five days, to discuss the grievance. The aggrieved person has the right to be accompanied by a colleague or other representative at this meeting. After the meeting the manager should provide a decision in writing, normally within 24 hours as to how the grievance will be resolved. If it is necessary to gather further information before deciding the manager should inform the aggrieved person of this and the likely timescale involved.
- e) If the aggrieved person is unhappy with the manager's decision and wishes to appeal, they should let the manager know. An appeal meeting, normally within five days, should then be held by a more senior manager (or Board member). The aggrieved person has the right to be accompanied by a colleague or other representative at this meeting. After the meeting the manager (or Board member) will give a decision, normally within 24 hours. That decision is final.

6. **Whistle-blowing procedure**

- a) If a complainant is not satisfied with the initial response to a formal complaint then they can write to the Chair of DSCC's Board and ask for the complaint and the response to be reviewed. This option should be explained to the complainant when the initial decision is communicated back to the complainant.
- b) DSCC recognizes that the decision to make a whistle-blow an allegation can be a difficult one and the DSCC will take appropriate action to protect from reprisals any whistle-blower who makes a serious allegation in the reasonable belief that it is in the organization's best interest to do so.
- c) Whistle-blowing allegations may be received by the person's line manager, the Executive Director or the Chair of DSCC's Board.
- d) All whistle-blowing allegations must be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise consents or requests. (Noting that, if the allegation results in court proceedings, the whistle-blower may have to give evidence in open court if the case is to be successful).
- e) The person receiving the allegation will record details, gathering as much information as possible (aiming to do this within 5 working days of receipt of the allegation) including:
 - i. The name of the person making the allegation and a contact point.

- ii. The background and history of the allegation (giving relevant dates and names and positions of those involved);
 - iii. The person's grounds for the allegation.
 - iv. Any documents supplied by the whistle-blower.
- f) The person addressing the allegations will ask the whistle-blower for his/her preferred means of communication and contact details and use these for all communications with the whistle-blower to preserve confidentiality.
- g) The DSCC will then aim for the following timetable of actions, upon receipt of a whistle-blowing allegation:
 - i. An acknowledgement of the allegation in writing within 10 working days with an indication of how the DSCC proposes to deal with the matter and an estimate of how long it will take to provide a final response, and a copy of this policy.
 - ii. Initial enquiries conducted within 6 weeks of receipt of allegation, and a decision communicated to the whistle-blower as to whether or not further investigations will take place (and if not, a record of why not).
 - iii. Where further investigations are warranted, DSCC will aim to complete these within three months of receipt of the allegation and will provide a report back on the outcome of the investigation to the whistle-blower promptly as is deemed appropriate (bearing in mind possible legal constraints and the need not to compromise ongoing investigations).
- h) The same items, and any other relevant information, will be recorded in an internal register that will be kept confidential and only available for inspection by the Board of Directors.
- i) No disciplinary or other action will be taken by the DSCC against a whistle-blower who 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.
- j) The DSCC may also take steps to minimize difficulties which may be experienced by that person because of having made the allegation. For instance, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings the DSCC may arrange for them to receive advice about the procedure and signposting to support mechanisms that are available.

7. **Reporting**

- a) If any information disclosed to the DSCC relates to fraud, potential fraud or other financial irregularity the Treasurer should 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.
- b) If any information disclosed to the DSCC involves evidence of a criminal offence it should immediately be reported to the Board and a decision will be made as to whether to inform the police.
- c) Where other authorities are investigating relevant disclosures, the DSCC may suspend or adapt the application of this policy accordingly in order not to prejudice those other investigations.
- d) The Executive Director will report annually to the Board on the operation of this procedure and on complaints, grievances and whistleblowing allegations made during the period covered by the report.
- e) The report to the Board should be in a form which does not identify complainants, aggrieved persons, or whistle-blowers, unless deemed necessary and fair to do so.

8. **Accessibility**

The DSCC should publish relevant contact details and indicate receptiveness to receiving feedback or complaints in a publicly accessible place, for example on the DSCC's website.