



Whistleblowing

CHARITY POLICY & PROCEDURE

Whistleblowing Policy & Procedure	
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Whistleblowing

Statement of Intent

It is likely that all employees will, at some stage of their working life, have concerns about what is happening at work. Usually these concerns are easily resolved. However, when concerns relate to unlawful conduct, professional malpractice, wrongdoing or dangers to young people, it can be difficult to know what to do.

An employee may be worried about raising such issues or may want to keep concerns to themselves, perhaps feeling that others know better or it is none of their business, or that it is only a suspicion. An employee may feel that raising the concern would be disloyal to colleagues, managers or to the organisation. Employees may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The Public Interest Disclosure Act 1998 is intended to encourage employees to raise their concerns, in a responsible way. If there is a practice within Talbot House Children's Charity Limited ("the Charity") which an employee believes is threatening to public interest, they should be able to report it without fear of detrimental treatment.

All employees have a responsibility to conduct themselves in an appropriate and professional manner in accordance with the Charity's Code of Conduct and Values, and co-operate in the application of this procedure.

This policy and procedure is designed to provide a framework to deal with cases of whistleblowing in order to:

- To encourage all employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide employees with guidance as to how to raise those concerns.
- To reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy applies to all employees regardless of length of service and includes trustees, governors, officers, consultants, contractors, workers and agency worker.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. Talbot House Children's Charity may also vary this procedure, including any time limits, as appropriate in any case.

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1. Definitions & Purpose

- Whistleblowing is the disclosure of malpractice, wrongdoing, or dangers at work. Examples may include, but are not limited to the following:
 - exhibiting or expressing undue care and concern for the law and/or criminal activity;
 - failure to comply with, or disregard of, any legal or professional obligation or regulatory requirements particularly in relation to safeguarding;
 - miscarriages of justice;
 - danger to health and safety;
 - damage to the environment;
 - bribery;
 - facilitating tax evasion;
 - conduct likely to damage our reputation or financial wellbeing;
 - unauthorised disclosure of confidential information;
 - negligence;
 - ill treatment of a young person by an employee/employees;
 - compromising a young person's safety and protection;
 - personal relationships affecting professional performance;
 - suspected fraud or financial irregularity or mismanagement;
 - inappropriate use of IT or equipment;
 - inappropriate use of CCTV;
 - breach of other policies and procedures;
 - attending work whilst under the influence of alcohol or other controlled substances;
 - inappropriate relationships (emotional or physical) with young people;
 - inappropriate and/or unprofessional use of social media;
- the deliberate concealment of any of the above concerns.
- A whistleblower is a person who raises a genuine concern relating to any of the above. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) it should be reported under this policy.
- This policy should not be used for complaints relating to an employee's own personal circumstances, such as the way they feel they have been treated at work. In these cases, you should use the grievance policy and procedure.
- If an employee is uncertain whether something is within the scope of this policy they should seek advice from the Whistleblowing Officer, whose contact details are shown within section 7 of this policy.
- There may be times when the concern is extremely sensitive and needs to be handled in a different way and when it is not appropriate to go through the normal reporting channels.

2. Raising a Whistleblowing Concern

- The Charity has introduced this policy to enable all employees to raise their concerns regarding the improper professional conduct of a colleague at an early stage and in the right way. The Charity would rather an employee raised the concern when it is just a concern rather than wait for proof. If something is troubling an employee, which they think the Charity should know about or investigate, please use the procedure outlined in this policy.
- The Charity hopes that in many cases employees will be able to raise any concerns with their Line Manager. An employee may tell them in person or put the concern in writing if

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they prefer. They may be able to agree a way of resolving their concern quickly and effectively.

- However, where the concern is more serious, or an employee feels that their Line Manager has not addressed their concern, or they prefer not to raise it with them for any reason, they should contact one of the following:
 - The Whistleblowing Officer;
 - The Chair of the Board of Trustees,
 - Any other member of the Trustees of their choice.
- Contact details are set out in section 7 of this policy.

2.1 This policy is primarily for concerns where the interests of others, the young people, or of the organisation itself are at risk. If in doubt, raise it.

- If, as an employee of the Charity, you are concerned about practice/actions of a member of staff in another organisation, (social worker, taxi driver, contractor, local authority officer) or their employed staff, they should speak to their manager for advice as to the appropriate course of action. The Manager is likely to wish to seek further advice from other Senior Managers, their Manager or the Legal Advisor to Talbot House Children's Charity.
- Concerns that result in application of this policy, which cross more than one organisation, will be dealt with separately by each organisation according to their individual policies and procedures. However, where possible, the Charity would wish to work closely with other organisations in order to maximise efficiency, minimise disruption and ensure a comprehensive response.
- While the Charity hopes this policy gives employees the reassurance they need to raise such concerns internally, the Charity recognises that there may be circumstances where employees can properly report concerns to outside bodies, such as regulators or the police, Protect (formally Public Concern at Work), or, if applicable, their union. Below, we advise employees on such an option and on the circumstances in which employees may be able to contact an outside body discretely.
- The Charity would rather employees raised a concern with the appropriate regulator than not at all.

3. How the Charity will Investigate a Concern

- Once employees have told us of their concern, the Charity will arrange a meeting as soon as possible to discuss their concern. An employee may bring a colleague or union representative to any meetings under this policy as a companion. A companion must respect the confidentiality of any disclosure and any subsequent investigation.
- The Charity will take down a written summary of the concern and provide the employee with a copy after the meeting. The Charity will inform the employee of the outcome of our assessment. The employee may be required to attend additional meetings in order to provide further information.
- The Charity will discretely investigate concerns to assess initially what action should be taken. This may lead to an internal inquiry or a more formal investigation.
- In some cases, the Charity may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject concern. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

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- The Charity will tell the employee who will be handling the concern, how they can contact them and whether their further assistance may be needed. If the employee requests, we will write to the employee summarising their concern, to ensure clarity, and setting out how we propose to handle the concern.
- When an employee raises a concern they may be asked how they think the concern might best be resolved. If the employee has any personal interest in the concern, we do ask that they inform us at the outset. If the concern falls more properly within our Grievance Policy & Procedure we will let the employee know.
- While the purpose of this policy is to enable us to investigate possible improper professional conduct of a colleague and take appropriate steps to deal with it, the Charity will give the employee as much feedback as we properly can. If requested, we will confirm our response to the employee in writing. Please note however, that we may not be able to tell the employee the precise action we will take where this would infringe a duty of confidence owed by us to someone else.
- The Charity will aim to keep the employee informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving the employee specific details of the investigation or any disciplinary action taken as a result. The employee should treat any information about the investigation as confidential.
- If the Charity concludes that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

4. Confidentiality

- The Charity will not tolerate the harassment, bullying or victimisation of anyone raising a genuine concern and it is hoped that employees will feel able to voice whistleblowing concerns openly under this policy. However, if an employee would like to raise a concern in confidence, we will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know their identity, we will discuss this with the employee.
- If the situation arises where the Charity is not able to resolve the concern without revealing an employee's identity (for instance because evidence is needed in court), we will discuss with the employee whether, and how, we can proceed.
- The Charity does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from them. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or one of the other contact points listed within this policy, and appropriate measures can then be taken to preserve confidentiality. If an employee is in any doubt an employee can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline.
- Remember that if the Charity does not know the identity of the employee raising the concern, it will be much more difficult for us to look into the concern or protect their position or to give them feedback. Accordingly, while we will consider anonymous reports, this policy is not always appropriate for concerns raised anonymously.

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5. External Disclosures

- The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally.
- The law recognises that in some circumstances it may be appropriate for the whistleblower to report any concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage all employees to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- Whistleblowing concerns usually relate to the conduct of our employees, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances, the law will protect employees if they raise the concern with the third party directly. However, we encourage employees to report such concerns internally first. Employees should contact their Line Manager or one of the other individuals set out within this policy.

6. Protection and Support for Whistleblowers

- It is understandable that whistleblowers are sometimes worried about possible repercussions. The Charity aims to encourage openness and will support those who raise genuine concerns under this policy, even if they turn out to be mistaken.
- Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If a whistleblower believes that they have suffered any such treatment, they should inform the Whistleblowing Officer immediately. If the concern is not remedied they should raise it formally using our Grievance Procedure.
- If a whistleblower raises a genuine concern under this policy, they will not be at risk of losing their job.
- Employees must not threaten or retaliate against whistleblowers in any way. If anyone is involved in such conduct they may be subject to disciplinary action.
- The Trustees and Governors of Talbot House Children's Charity are committed to this policy.
- Provided whistleblowers are acting professionally and in good faith, it does not matter if they are mistaken. Of course the Charity does not extend this assurance to someone who maliciously raises a concern they know is untrue.

7. Charity Contacts

Whistleblowing Officer	Deirdre Pearson - CEO 0191 229 0111 or 07926 437 837 deirdre.pearson@talbothousecc.org.uk
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Chair of Trustees	Allison Harding 0191 229 0522 revallisonharding@gmail.com
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

8. How Concerns can be taken Further if the Whistleblower remains Unsatisfied with the Outcome

- While the Charity cannot always guarantee the outcome an employee is seeking, we will try to deal with all concerns fairly and in an appropriate way. By using this policy our employees can help us to achieve this.
- If an employee is not happy with the way in which the concern has been handled, an employee can raise it with one of the other Charity Contacts listed above in section 7.
- If an employee remains dissatisfied, and feels that it is right, they may wish to take advice from their trade union, their local Citizens Advice Bureau, or any of the external agencies listed below. This is not exhaustive. A fuller list is available in The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 – see links below for further information:
 - http://www.legislation.gov.uk/ukxi/2003/1993/pdfs/ukxi_20031993_en.pdf
 - ACAS www.acas.org.uk 0300 123 1100
 - Care quality Commission (CQC) www.cqc.org.uk 03000 616161
 - Citizens Advice Bureau www.citizensadvice.org.uk 0800 144 8848
 - Environment Agency <https://www.gov.uk/government/organisations/environment-agency> 0114 282 5312
 - Food Standards Agency www.food.gov.uk 020 7276 8787
 - GMB www.gmb.org.uk 01912333930
 - Health & Safety Executive www.hse.gov.uk 0300 003 1647
 - Information Commissioner <https://ico.org.uk> 0303 123 1113
 - NAS / UWT www.nasuwt.org.uk 03330 145550
 - National Education Union (NEU) www.neu.org.uk 0345 811 8111
 - Newcastle Law Centre www.newcastlelawcentre.co.uk 0191 230 4777
 - Ofsted <https://www.gov.uk/government/organisations/ofsted> 0300 123 4666
 - Protect (formally Public Concern at Work) www.protect-advice.org.uk 0203 177 2520
 - Unison www.unison.org.uk 0800 0857 857
 - Unite www.unitetheunion.org 0133 236 4830

9. Policy review

This policy is non-contractual and is subject for review in line with changes to legislation. This policy may be subject for review prior to the date shown if deemed necessary. The HR Department will be responsible for reviewing this policy.

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I have read, understood and acknowledge this Policy and will endeavour to follow the guidance outlined within.

Print name: _____

Job Title: _____

Department: _____

Sign: _____

Date: _____

Please complete full details above, once complete please return to the HR Department within 5 working days.

Please do not hesitate to contact me should you have any questions.

HR Department

Talbot House Children's Charity