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Change History

Version number	Date of Release	Policy Owner	Authorised by
1.0	01 August 2017	Briony Paton, People Business Partner	Lindsay Gallard, HR Director
2.0	01 September 2020	Nicole Kent, Head of HR	Board of Trustees

Policy Statement

It is important that any misconduct or wrongdoing within the Charity is reported and properly dealt with. The purpose of this policy is to outline ways in which employees, workers, contractors, volunteers, Trustees, and service providers can report serious concerns about malpractice or wrongdoing in an appropriate way, inline with the Public Interest Disclosure Act 1998.

The Board of Trustees and Executive Team is committed to managing the Charity in the best way possible. This policy is designed to encourage and enable you to raise serious concerns within the Charity rather than ignoring a problem or 'blowing the whistle' externally. It is also intended to reassure you that it is safe and acceptable to raise concerns, you can do so in confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result, and without fear of dismissal.

The Charity reserves the right to modify this policy from time to time at its discretion and in line with legislation.

Scope

This policy applies to everyone who works or volunteers for or with the Charity, including those from other organisations with which we have contractual arrangements.

Related Legislation

- [Public Interest Disclosure Act 1998](#)

Related Policies, Procedures, and Templates

- Grievance Policy
- Bullying & Anti-Harrassment Policy
- Disciplinary Policy

Responsibilities

Board of Trustees	Overall responsibility for the policies and procedures that govern the work at Central YMCA.
Chief Executive	Overall responsibility for ensuring Central YMCA's resources are used effectively and appropriately.
Policy Owner	Responsible for ensuring guidelines are in place and that policies and procedures reflect our charitable ethos and commitment to equality and diversity.
All Line Managers	Responsible for ensuring all employees are aware of and follow this policy.
All Employees and Volunteers	To follow policies and procedures, promoting best practice throughout the organisation.

Policy Review

Review of impact against the aims of policy:

This policy has been drafted for approval by Nicole Kent, Head of HR, and has been approved by the Board of Trustees and is deemed fit for purpose. All related procedures have been designed to match the contents of this policy.

The policy has been communicated successfully to employees and the policy has been made available on the Charity's intranet.

Does there appear to be any patterns of equality related issues: No

If yes, please provide an Equalities Impact Assessment (if relevant): N/A

Reviewed by: Board of Trustees

Date: 01 September 2020

This policy will be reviewed on an annual basis by the Policy Owner and signed off by the Board of Trustees if any changes are made.

Next review date: 01 September 2021

Policy

Principles

- Whistleblowing is making a disclosure in the public interest, by reporting any serious concerns you have surrounding wrongdoing relating to service provision or the conduct of staff, Trustees or those acting on behalf of the charity that:
 - make you feel uncomfortable in terms of known standards
 - are not in keeping with the Charity's aims and policies
 - fall below established standards of practice
 - are improper behaviour.
- These might relate to:
 - racial, sexual, disability or other discrimination
 - health and safety of the public and/or other employees
 - damage to the environment
 - neglect or abuse of clients
 - bribery, fraud or other criminal activity
 - breach of legal or professional obligations
 - other unethical conduct

This list is neither exclusive nor exhaustive and there may be other serious public interest concerns which come under this policy.

- This policy should be used to manage disclosures about the running of the Charity and the acts of others which may challenge legal, ethical or safety issues. This policy does not apply to complaints about employment or how you have been treated. For cases such as this the Grievance Policy or Bullying & Anti-Harassment Policy should be used.
- There are also a range of policies and procedures that cover issues such as fraud and corruption, recruitment and selection, health and safety and staff are advised to also refer to these when considering a disclosure under this policy.
- This policy is not designed to question financial or business decisions taken by the Charity nor should it be used to reconsider any matters which have already been addressed under harassment, grievance, disciplinary or other policies.
- Everyone working for or with the Charity should be aware of the importance of preventing and eliminating wrongdoing at work.
- Be watchful for illegal or unethical conduct and report anything of that nature as soon as you become aware of it.
- If you are told not to raise or pursue a concern, even by a person in authority such as a line manager, you should not agree to remain silent and ensure that you discuss your concerns with a senior manager or a member of the HR department.
- The Charity will ensure that you are protected under this policy for raising a genuine concern and aim to ensure that you will not suffer a detriment for doing so.
- The Charity will investigate genuine concerns raised under this policy thoroughly, promptly, and confidentially.

- If you feel that you have suffered a detriment for making a genuine complaint under this policy, we will address the matter through the disciplinary or grievance policy, if necessary.
- We will tackle issues of misconduct through our disciplinary procedure, if necessary, in addition to any appropriate external measures.
- This policy also covers the actions of third parties such as suppliers, service providers, and clients, as well as our staff. If you are concerned about a third party, please also raise them with us before approaching anyone else.

Different Types of Concerns

- The Whistleblowing Policy is intended to cover serious concerns that fall outside the scope of other Charity policies. As stated in the Public Interest Disclosure Act 1998 the disclosure must, in the reasonable belief of the individual making the disclosure, show that one or more of the following events has happened, is happening or is likely to happen and that it is in the public interest to make the disclosure:
 - A criminal offence
 - Failure to comply with any legal obligation
 - Miscarriage of justice
 - Danger to health & safety of any individual
 - Danger to the environment, or,
 - Deliberate concealment of any of any of the above.

This list is neither exclusive nor exhaustive and there may be other serious public interest concerns which come under this policy.

- Our employees may be the first to spot anything that is seriously wrong within the Charity. However, some might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised as a result.
- Our brand is built on trust and we aspire to be an employer of choice, to protect our brand and ensure that we can create a warm and welcoming environment. We encourage all stakeholders to report concerns they may have so appropriate action may be taken.

Raising a Concern

- The earlier you raise a concern, the easier it will probably be to take effective action.
- You should first raise your concern with your immediate supervisor or line manager. You may do so in writing or in person.
- If you feel that it is not appropriate to raise your concern with your supervisor or line manager (because they are suspected of involvement in the alleged wrongdoing or for any other material reason) then you should raise it directly with either a member of HR or an appropriate senior leader for further advice.
- If you would prefer not to discuss your concerns with your supervisor or line manager, HR or an appropriate senior leader, or you consider that your concerns are extremely serious, you should write to the Chief Executive or the Chair of the Board of Trustees explaining that you are raising your concerns as part of Central YMCAs whistleblowing

policy and procedure. Please set out all key facts, including names of those involved and all relevant dates.

- If your concern or allegation can be handled under any other procedure or policy, we will pass it on to the relevant person and we will let you know.
- We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- Although in most cases you should not find it necessary to alert anyone externally, the law recognises that in some situations it may be appropriate for you to report your concerns to a third party, where you believe the concern mainly relates to the conduct of the Charity's senior management or something that is their legal responsibility. We strongly encourage you to report such concerns internally first.
- If you make an allegation which you know to be untrue, this could result in disciplinary measures being taken against you.

Confidentiality and Anonymous Allegations

- We encourage you to make an allegation openly and we actively discourage anonymous whistleblowing. Concerns raised anonymously tend to be far less effective and it is not always easy to manage and investigate anonymous reports, especially if we do not have enough information and are unable to ask you for clarification for further details. We may struggle to clarify and find evidence to support your allegations and/or reach an informed conclusion. In these circumstances, we risk missing evidence or opportunities to gather important supporting information, or identify helpful witnesses, because we may simply be unaware of their existence, in spite of our best efforts to uncover them.
- If you prefer to keep your identity anonymous, we will do all that we can to ensure that you retain your anonymity, and the confidentiality of your concerns, as far as possible. If we need to disclose your identity to others as part of the investigation, we will always discuss with you beforehand the reasons why we think it necessary to identify you.
- We will protect you from reprisals, and you can read more about how we do this and what rights you have in section 7.

Investigation

- The way in which concerns are dealt with will depend on what it involves.
- Line managers or an appropriate senior manager will first need to make enquiries to decide whether they should carry out an investigation and, if so, how they should go about it. Throughout all enquiries and any investigation, the main concern will need to be to put the interests of the public first.
- You will be invited to a meeting at which you can discuss your concerns. You are entitled to bring someone with you to this meeting – and any subsequent meetings. That companion may be a colleague (or a trade union representative, if relevant). Anyone who accompanies you will be asked to agree to keep strictly confidential the subject matter of the meeting including any materials disclosed and/or examined during it. This obligation of confidentiality will extend before, during and after the meeting and any following investigation that we conduct in relation to the concerns raised by you.

- The Charity will ensure that the matter is investigated by appropriate management, our internal auditors, or through the disciplinary process. Alternatively, we may need to refer it to:
 - the police
 - an external auditor
 - an independent investigator
- Legislation sets out a further number of bodies to which qualifying disclosures may be made. These include:
 - Protect (<https://protect-advice.org.uk/>)
 - HM Revenue and Customs (HMRC)
 - The Health and Safety Executive
 - The Environment Agency
 - The Office of Fair Trading
 - The Serious Fraud Office
 - The Charity Commission
 - The Pensions Regulator
 - The Information Commissioner
 - The Financial Conduct Authority.

The full list of prescribed people and bodies can be found on The Public Interest Disclosure (Prescribed Persons) Order 2014.

- If there is a need to take urgent action, this will be done before carrying out an investigation.
- During any investigation we will keep you informed of the progress of the investigation as far as we are able. For a number of reasons, generally relating to legal obligations, including obligations of confidence, to others, or in relation to any legal advice that we may decide to take on our own behalf, we may not be able to share every detail of our discoveries or deliberations with you. We will always endeavour, however, to reassure you, as best as we can, of the fact that we are taking your concerns seriously and that we are conducting a responsible investigation.
- If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with HR, the Chief Executive or the Chairman.
- If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Charity recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or bodies as set out above, and in line with The Public Interest Disclosure (Prescribed Persons) Order 2014.
- It may sometimes be possible to settle some concerns without carrying out an investigation but by taking mutually agreed action with the employee who raised the concern.
- Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Protection

- We understand that deciding to blow the whistle is not easy. If you raise a genuine concern in good faith under this policy which you believe is true, we will support you and take appropriate action under the Public Interest Disclosure Act 1998 to protect you from any harassment, victimisation, discrimination or bullying.
- If at any time, you do not feel that you have been fairly or properly treated by the Charity in the handling of your whistleblowing concern, you must inform us immediately. You should inform HR in the first instance, and if you are not satisfied with the outcome of that conversation, you should follow the process set out in our Grievance Policy.
- We also protect whistle-blowers from others, so where a whistle-blower reports to us that they have been treated inappropriately by others, (including having received threats as a result of raising their concerns), we will review this conduct in line with our Disciplinary Policy.

Involving the Press/Media

- Involving the media in a whistleblowing matter often has the effect of inflaming the situation, not assisting it. It can significantly hamper evidence gathering and the willingness of other relevant individuals to support the process. We therefore strongly discourage you from involving the press/media.
- Any incidents involving the press/media will be reviewed in accordance with our Disciplinary Policy as we would generally expect you to have taken all reasonable steps to deal with the matter internally, or with an external regulator, and to have taken full advice from a lawyer or from Protect, before you could justify involving the press/media.

Data Protection

- When an individual makes a disclosure, we will process any personal data collected in accordance with the Charity's data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.
- Any data collected will be retained in accordance with the Charity's Records Retention and Disposal Policy and in line with legislation.