

## PUBLIC INTEREST DISCLOSURE ('WHISTLEBLOWING')

### What this policy covers

This policy applies to employees, workers, volunteers and contractors.

The Young Lives Foundation (YLF) is committed to ensuring professional and ethical conduct by all those who work for the charity. This whistleblowing policy is an important aspect of YLF's commitment to develop a safe and open culture, and has been adopted in order to encourage everyone who carries out work for YLF to raise, for internal investigation, any public interest concerns. The Charity prefers that a concern is raised and dealt with properly, rather than kept quiet. It is important to the Charity that any fraud, misconduct or wrongdoing, by employees, workers, contractors or other agents, is reported and properly addressed.

### Who does it cover?

"The Public Interest Disclosure Act 1998 (The Act) covers staff, contractors, Agency Workers and those undertaking work experience."

Trustees and volunteers are not covered by the Act, however the internal investigation arrangements for any concerns raised by trustees or volunteers will be the same as detailed in this policy.

### Your responsibilities

You are encouraged to bring to the attention of the Charity any practice or action of the Charity, its employees, workers, contractors or other agents that you reasonably believe is against the public interest, in that the practice or action is:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- an attempt to conceal information on any of the above
- actions which cause damage to the environment
- actions which are intended to conceal any of the above

Examples of specific concerns could be:

- undertaking the care of service users in such a way that is clearly an infringement of their personal, human and basic rights, i.e. abuse of a physical, emotional or sexual nature
- endangering the health and safety of a service user, employee, worker or contractor
- misappropriation of the resources of YLF, i.e. theft or fraud
- accepting or making a bribe

The concern may relate to anyone providing a service to the charity. It could relate for instance to a member of staff, a contractor, a volunteer or Trustee.

The Act protects you from detrimental treatment or victimisation from your employer, either during or after employment, if, in the public interest, they blow the whistle on wrongdoing. The Charity will also endeavour to ensure that the individual is protected from any intimidation or harassment by any other parties.

You are covered by the Act as long as you act in good faith, and have reasonable grounds for the concern, even if it is later concluded that the concerns are unfounded

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work, which should be raised under the Charity's Grievance Procedure.

## Procedure

In the first instance, you should raise any concerns you have with your manager. If you believe your manager to be involved, or if, for any reason, you do not wish to approach your manager, then you should raise it with a more senior person in the Charity.

Any matter raised under this policy will be investigated promptly and confidentially. The outcome of the investigation, as well as any necessary remedial action to be taken, will be confirmed to you. If no action is to be taken, the reason for this will be explained to you.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you raise any concerns under this policy, the Charity is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Charity's Disciplinary Procedures.

## Escalating your concern

If you are dissatisfied with this response, you should raise your concerns in writing directly with a more senior person in the Charity.

You should first raise concerns with your line manager, either orally or in writing. Do not assume your manager is already aware of the problem or is dealing with it.

If, for whatever reason, you are unable to discuss or raise the matter with your line manager you should approach:

Jo Williams (Trustee) on HR issues and Marilyn Hodges (Trustee) if the matter relates to a safeguarding issue. In all other cases the matter should be raised with the CEO, Stephen Gray.

If the person with whom you raise the concern feels it necessary they may need to forward your concern on to another senior officer or an external body, whichever is appropriate. If this is the case you will be contacted first and have the opportunity to discuss any issues this may cause.

To enable your concern to be dealt with in a proper and effective manner here are some guidelines for you to consider:-

- Be as clear as possible about what the concern is and to whom and what it relates.
- Be as clear as possible about who may be involved, when and where actions may have taken place.
- If possible record facts such as recording dates and time in a diary. This way you can be clear about what has actually been heard or seen and when, rather than rely on memory or hearsay.
- Ensure you ask for your concerns to be dealt with under this procedure.
- If you have any personal interest in the matter, you will be encouraged to declare it at the onset of the investigation.

If, after escalating your concerns, you believe that the appropriate remedial action has not been taken, you should then report the matter to the proper authority. These authorities include:

- HM Revenue & Customs
- the Financial Conduct Authority
- the Health and Safety Executive
- the Environment Agency or Scottish Environmental Protection Agency
- the Information Commissioner

This list is not intended to be exhaustive, and you must take care to ensure you contact the proper authority in relation to the particular concerns you have.

If you are unsure as to the appropriate authority, advice can be sought from Protect (formerly known as "Public Concern at Work") which is an independent Whistleblowing Charity. Their contact details are at the end of this policy.

If you raise a false allegation and you are found to be culpable, or in any way involved in the wrongdoing, or if you raise a concern maliciously or in a manner not prescribed in this policy, then you may be subject to disciplinary action up to and including dismissal without notice for gross misconduct.

You should not disclose to a non-relevant third party any details of any concern raised in accordance with this policy, and you must not, in any circumstances, publicise your concerns in any way.

### How YLF will handle your concerns

YLF will deal with any enquiries regarding potential disclosures under this act in a confidential manner.

YLF will protect as far as is possible the confidentiality of anyone raising a concern. There might however be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the police.

If there is any possibility that your confidentiality cannot be protected you will be told of the reasons and offered appropriate advice and support.

Concerns expressed anonymously will be investigated on the basis of their merits. However, an investigation may be hampered by the inability to gain further information and YLF encourages you to provide some method of contacting you to assist in the investigation. However anonymous reporting of information will be seriously considered to establish whether an investigation is required, and anonymous reporting that relates to the safeguarding of children and young people will automatically be investigated

You will receive a written acknowledgement of your concerns, to your work or home address.

The concern will be investigated with reference to relevant YLF policies and procedures, for instance a concern regarding the care of service users may relate to the safeguarding policy, whilst an investigation relating to financial matters may refer to YLF's financial procedures.

You will be advised of the individual leading the internal investigation who will liaise with you either to arrange an initial meeting or to confirm in writing how the concern is to be investigated. Should the matter need to be referred to an external party then you will be advised of this.

If you wish to meet with someone who is addressing the concerns you have raised you have the option to be accompanied by a work place colleague.

You will be kept informed on a regular basis of what actions are being taken and the final results of any investigations.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However the reasons for this will be explained at that time.

All uses of the whistleblowing policy will be formally recorded and a register maintained. This will form the basis of an annual report to the Board of Trustees.

### Disclosure to a prescribed person or body

The intention of this whistleblowing policy, and the putting in place of robust internal procedures, is to make it unnecessary for any member of staff to raise their concern externally. If however there is a reason why you cannot share your concerns with anyone within YLF then the Act permits you to raise the matter with a prescribed person or body. This action can be taken if you have reason to believe that the concern will be covered up, that you might be treated unfairly following raising these concerns, or where you have raised the concerns but YLF has failed to properly investigate the matter.

You should not refer the matter outside the organisation without first ensuring that all other possible avenues have been exhausted.

The lawyers of Public Concern At Work will be able to advise whether reporting the matter to outside bodies such as the police or regulatory authorities is an appropriate route to take.

Appropriate regulatory authorities include:

- The Charity Commission
- The Health and Safety Executive

Disclosures to the media can be made under the law, and will be protected in specific circumstances. If you are considering contacting the Press you are strongly advised to seek guidance from professional or other representative bodies, including Public Concern at Work. If you decide to proceed with contacting the media, you must inform the Chief Executive Officer of the action you have taken or are proposing to take.

### NSPCC whistleblowing advice line

The Home Office and Department for Education have commissioned the NSPCC to manage an advice line where concerns can be raised around how matters are being handled. The advice line is not intended to replace any current practices or responsibilities of organisations working with children. The helpline advisors would encourage professionals to raise any concerns about a child to their own employer in the first instance. However, the advice line offers an alternative route if whistleblowing internally is difficult or professionals have concerns around how matters are being handled.

The NSPCC Whistleblowing Advice Line can be reached on 0800 028 0285.

### Accountability and responsibility

The Chief Executive Officer is responsible for the accountability and implementation of this policy.

### Monitoring and review

This policy will be monitored and reviewed by the Board of Trustees of YLF annually.

An annual report will be provided to the Board of Trustees confirming the number and nature of concerns raised and handled in accordance with this policy, any concerns upheld, and the actions taken.

The Charity Commission require any actual or suspected criminal activity to be reported to them and therefore any concerns raised relating criminal activity would be reported through the specified channels.

### Communications

This policy will be communicated to Staff and Contractors and is available via induction packs, handbooks, shared folders and on request.

This policy is readily available to external stakeholders electronically or by hard copy on request.

### Independent advice

Independent advice and support can be obtained from Protect (formerly known as "Public Concern at Work") (Independent Whistleblowing Charity):





Email address	whistle@protect-advice.org.uk
Tel	Tel. 0203 117 2520
Website	<a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>

