

Whistleblowing Policy

Document Number	00003
Applicability	
Document Owner	Emma Liddell
Version	1.0
Date Approved by SLT	April 2021
Date Approved by Trustees	April 2021
Implementation Date	May 2021
Policy Review Date	Every 3 years

Version History	
Version	2014
Author	J Haysmore
Review Date	2021
Description of Changes	Policy re-written by Emma Liddell

Responsibility for this Document: The Functional responsibility for the development, review and maintenance of this document rests with the Head of HR.

Contents

1	Purpose and Scope	3
2	Roles and Responsibilities	3
2.1	Employees	3
2.2	Line Managers	3
2.3	HR	3
2.4	Exclusions	3
3	What is Whistle Blowing	3
4	Your Safety	4
5	Your Confidence/Anonymity	4
6	Who can Raise a Concern under this Policy	4
7	How to Raise a Concern	4
7.1	Internal Stages	4
7.2	Stage 1	5
7.3	Stage 2	5
7.4	The Formal Investigation	5
7.5	Following the investigation	6
7.6	Complaints about the Chief Executive	6
7.8	Raising Concerns with Outside Bodies	6

1 Purpose and Scope

This policy is intended as a guide for both employees and managers and contains details about how Daisy Chain employees can express concerns about malpractice/wrongdoing and to encourage employees to raise these at an early stage and in an appropriate way, in line with the Public Interest Disclosure Act 1998. The Charity is committed to managing the organisation in the best way possible. This policy is in place to reassure staff that it is safe and acceptable to speak up and enable concerns to be raised at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern. It can be difficult to know what to do when these concerns are about unlawful conduct, financial irregularities, abuse of beneficiaries, dangers to the public or environment, health and safety issues, or if you feel these issues are being inappropriately concealed. This policy is to be applied consistently and in line with the Charity's values.

Staff have a right and a duty to raise with their employer any matters of concern. This policy is designed to provide clear guidance to staff and a commitment that concerns will be taken seriously and to encourage staff to communicate their concerns through the appropriate channels.

2 Roles and Responsibilities

2.1 Employees

Employees are responsible for ensuring they act in compliance with this Policy. Staff will read and ensure they understand this policy and associated procedures.

2.2 Line Managers

Line managers are responsible for ensuring the application and adherence to this Policy.

2.3 HR

HR will provide support and guidance for the application of this Policy

2.4 Exclusions

This policy does not apply to complaints about your employment or how you have been treated and for cases such as this, the Grievance Policy or Bullying and Harassment Policy should be used.

3 What is Whistle Blowing

Whistleblowing is a term often used as shorthand to cover the legal protection offered to certain groups of people who make 'protected disclosures'. It means that you believe there is a wrong doing in your workplace and are making a disclosure in the public interest.

Whistle Blowing is covered by the Public Interest Disclosure Act 1998.

A qualifying disclosure occurs when:

- a criminal offence has been committed, is being committed, or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health or safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately conceal.

4 Your safety

The Board of Trustees, the Chief Executive and Senior Leadership Team are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as reprisal or victimisation). Provided you are acting in good faith (effectively this means honestly), it does not matter if you are genuinely mistaken or if there is an innocent explanation for your concerns. This assurance is not extended to those who maliciously raise a matter they know is untrue. If, following a thorough investigation, it is found that you raised a matter maliciously, this will be dealt with under the Charity's Disciplinary Policy.

5 Your Confidence/Anonymity

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you do not wish to disclose your identity, this will not be done without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example, where your personal evidence is essential (for example in court cases). In such cases, we will discuss with you whether and how the matter can best proceed. Please remember that if you do not tell us who you are, it will be much more difficult to look into the matter. We will not be able to protect your position or to give feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously. Where an individual does not wish to come forward as a witness, the Charity retains the right to pursue the matter further but will respect the anonymity of the individual. However, it must be noted that this may ultimately prevent the Charity from being able to proceed. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Charity. In exercising this discretion, the factors to be considered would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

The procedures below should ensure that your concern can be addressed and dealt with internally, however, if you believe that a disclosure of information should be made externally in the public interest, this should be soundly based and you should first seek independent and/or specialist advice. Further information can be found at www.gov.uk/whistleblowing

6 Who can Raise a Concern under this Policy

Persons who this policy covers includes:

- Fellow staff members and peers.
- Volunteers
- Site beneficiaries
- Parents/Guardians/Careers

7 How to Raise a Concern

7.1 Internal Stages

When you report your concern, we will assess it and consider what action may be appropriate. This may involve an informal review, an internal enquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them and what further assistance we will need from you.

When you raise the concern, it will be helpful to know how you think the matter might be best resolved. If you have any personal interests in the matter, we ask that you disclose these at the outset. If we believe your concern falls more appropriately into our Grievance or Bullying or other related procedure, we will inform you accordingly.

Any safeguarding issues will be immediately forwarded to LADO, First Contact or the Police.

The following stages will normally apply:-

Where an incident of serious concern is observed, the person who observed the incident must report this directly to a Manager. Failure to report this incident will result in the disciplinary procedure being taken. He/she will be assured that appropriate enquiries will be made to establish the nature of the incident and that such enquiries will be carried out discreetly and in confidence. Wherever possible, the identity of the person reporting the incident will be kept anonymous.

Where preliminary enquiries show that further investigations need to be made, then the Manager will inform the staff member against whom the allegations have been made.

Where the alleged offence is of a serious nature, the following action will be taken.

- A full investigation will be carried out, interviewing all parties concerned in the allegation. This may include other members of staff and a child's parents/guardians/carers as appropriate.
- Any safeguarding issues will be immediately forwarded to LADO, First Contact or the Police.

7.2 Stage 1

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it firstly with your line manager. This may be done verbally or in writing. You may involve a friend or a colleague at this stage, providing that the person is not involved in the investigation. Managers must help to create a climate where staff feel able to talk in confidence, without the threat of disciplinary action being taken against them. The Manager will identify the nature of the issue by undertaking a preliminary investigation.

7.3 Stage 2

If stage 1 of the investigation and any resultant action does not resolve the matter, or if a concern involves the immediate line manager, the member of staff should raise the concerns with HR. If your concerns are in relation to HR then your concerns should be raised to a member of SLT. They will arrange an initial interview which will, if requested, be confidential to ascertain the areas of concern. At this stage, you will be asked whether you wish your identity to be disclosed and will be reassured about protection from possible victimisation. You will also be asked if you wish to make a written statement. In either case, a brief summary of the interview will be taken, which will be agreed by both parties. The findings will then be reported to the Chief Executive who will be responsible for the commission of any further investigation within the Charity.

7.4 The Formal Investigation

If the concern raised is very serious or complex, a formal investigation may be held. The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of beneficiary's, suspension from work may have to be considered immediately. Protection of beneficiaries is paramount in all cases. HR will offer to keep the member of staff informed about the investigation and its outcome.

If the result of the investigation is that there is a case to be answered by any individual, the Charity's Disciplinary Policy will be used and the details discovered by the formal investigation, transferred to that process. Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, HR will ensure that the employee suffers no reprisals. If there is no case to answer but there is evidence that the allegation was made frivolously, maliciously or for personal gain, disciplinary action will be taken against the complainant. The matter will be dealt with promptly at each stage. Where appropriate, immediate steps will be taken to remedy the situation as soon as practicably possible. A final outcome may take more time, but a final resolution/outcome at each stage should be available within ten working days.

7.5 Following the Investigation

A meeting with the member of staff (where the identity has been disclosed) will be arranged to give feedback on any action taken. This will not include details of any disciplinary action, which will remain confidential to the individual concerned. The feedback will be provided as soon as possible. If the member of staff is not satisfied with the action taken/not taken, Daisy Chain recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons.

7.6 Complaints about the Chief Executive

In the event that the concern is about the Chief Executive, this concern should be made to the Chairman of the Board, by either the member of staff, their Manager, or HR, who will decide on how the investigation will proceed.

7.8 Raising Concerns with Outside Bodies

The purpose of this policy is to ensure that staff are aware of the way to raise their concerns in-house and for staff to see that action is taken promptly to remedy a particular situation. It is hoped that this procedure will give staff the confidence to raise concerns internally. However, it is recognised that there may be circumstances where staff may feel they wish to report matters to outside bodies. A full list of persons/bodies can be found in The Public Interest Disclosure (Prescribed Persons) Order 1999, which sets out the full prescribed persons list and a description of the matters to which issues of concern could be referred. If members of staff are contemplating making a wider disclosure, they are strongly advised to first seek further specialist guidance from professional or other representative bodies.