



*Developing young people through  
personal challenge*

## Whistleblowing Policy & Procedure

### **Policy Statement**

Whistleblowing (raising concerns at work) is a term used to refer to the disclosure by employees and volunteers of malpractice – internally or externally – as well as illegal acts, or omissions at work. The policy is intended to cover concerns which fall outside of the scope of policies that deal with standards of behaviour at work including disciplinary, grievance, bullying and harassment policies.

This policy aims to provide employees and volunteers with a way to raise concerns internally and receive feedback on any action taken. It demonstrates how employees and volunteers can take the matter further if they are dissatisfied with the management response and reassures employees and volunteers that they will be protected from harassment or victimisation from co-workers for raising concerns.

Youth Challenge Oxfordshire (YoCO) (the charity) is committed to the highest possible standards of openness, probity and accountability. In line with this commitment the charity encourages employees and volunteers to be vigilant and to inform the charity of any legitimate concerns about any aspect of work.

This will enable the charity to achieve the high standards to which it is committed, ensure management accountability and the commitment of employees and volunteers to good practice across the organisation.

### **Principles**

Employees who ordinarily work in Great Britain are protected by the Public Interest Disclosure Act 1998 (PIDA). The legislation only protects employees who follow the procedures laid down in the legislation and who make a disclosure in good faith. The Public Interest Disclosure Act 1998 (PIDA) protects a whistleblower if they raise a concern about wrongdoing internally and in most cases, with an external regulator.

Volunteers are not covered by the Public Interest Disclosure Act 1998 (PIDA) and therefore, are not covered under this policy. However, if any volunteer has concerns, they should still follow the procedure set out in this policy.

### **Disclosure**

The concern must first be raised with the Youth Group Manager or Trustee. The whistleblower must:

- a) Have a genuine belief in the information being disclosed.
- b) Not make the disclosure for personal gain.
- c) Show it is reasonable to make the disclosure.

Whistleblowers do not lose statutory protection because they are mistaken. The whistleblower will have protection if they have a 'reasonable belief' that malpractice has taken place, is taking place or is likely to take place.

### **A Qualifying Disclosure**

A disclosure of information where the person reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to take place in the future is called a Qualifying Disclosure. A disclosure needs to be a qualifying disclosure for the purpose of the whistleblowing legislation.

This includes:

1. A criminal offence
2. Failure to comply with any legal duty
3. A miscarriage of justice (or deliberate and serious misrepresentation of
4. information that would lead to a miscarriage of justice)
5. A danger to the health and safety of any individual or groups of individuals,
6. including risks to the public
7. Damage to the environment
8. Instances of slavery, servitude, forced and compulsory labour and human
9. trafficking
10. Any conduct which appears likely to harm the welfare and/or protection of children and young people.
11. Any conduct likely to harm the reputation of the charity
12. Any deliberate attempt to conceal any of the above

Whistleblowing rules provide protection to the whistleblower, even if the wrongdoing which is being exposed was by a third party and not the charity.

Every reasonable effort will be taken to ensure that employees and volunteers who express their legitimate views/concerns in good faith about issues to do with the charity in accordance with this policy are not penalised in any way or suffer any adverse consequences, including informal pressures for doing so. Malicious use of the whistleblowing policy may lead to disciplinary action.

Where a concern is raised in confidence, the charity will protect the identity of the whistleblower wherever possible. However, there will be circumstances where this is not possible, as for example where the whistleblower is an essential witness, and the situation could not be investigated further without revealing the whistle-blower's identity. Should such a situation arise, we will discuss this directly with the whistle-blower.

If the concern relates to the employee's own employment, the Grievance Policy and Procedure should be used instead.

### **How to Raise a Concern**

Concerns can be raised orally or, preferably, in writing. They should include the background and history of the concern, including relevant dates, and the reason why the situation gives cause for concern. Although employees and volunteers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can viably be dealt with after a long period of time will depend on the circumstances.

Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee or volunteer, or giving feedback on the action being taken.

### **Youth Group Manager and Trustees responsibility.**

The Youth Group Manager and Trustees will:

1. Take concerns seriously, without judgement, apology or condemnation
2. Consider them fully and sympathetically
3. Recognise that raising a concern can be a difficult experience for some people
4. Seek advice from a Trustee of the charity and/or support specialists where appropriate
5. Respect confidentiality
6. Where necessary interview other volunteers, young people and/or parents and guardians
7. Keep the whistleblower informed within reason about the investigation

8. Notify the person who is the subject of the complaint about the nature and potential outcomes of the investigation
9. Consider whether the person who is the subject of the complaint should on request be granted special leave or if more appropriate, suspended for the duration of the investigation. Please refer to the Disciplinary Policy for further information on suspension
10. Notify the volunteer in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law
11. Consider whether the concerns raise fraud, corruption or child protection issues – in which case they will seek guidance from the Trustees of the charity about how the concern should be investigated (e.g. a disciplinary investigation, to the safeguarding team (see *Safeguarding Policy*) or referral to Police).
12. Reiterate to the employee that raising concerns in good faith is encouraged by YoCO and thank the person for raising the issue.
13. Notify the person who was the subject of the complaint or concern of the outcome of the investigation.

If the whistleblower who raised the concern is not satisfied with the outcome of the investigation and/or inquiry, they should refer their concerns in writing to the Chair of Trustees.

**Social Media**

Employees and volunteers have a duty to the charity not to disclose confidential information, including on social media.

**Records**

A record will be kept by the designated Trustee. Meetings will be minuted and the minutes agreed with those attending the meeting. At the conclusion of the process the record should be kept on the personal file of the volunteer raising the concern.

Personal data processed by a whistleblowing scheme should be deleted, promptly, and usually within two months of completion of the investigation of the facts alleged in the report. Such periods would be different when legal proceedings or disciplinary measures are initiated against the incriminated person or the whistleblower in cases of false or slanderous declaration. In such cases, personal data should be kept until the conclusion of these proceedings and the period allowed for any appeal. Such retention periods will be determined by the law. Personal data relating to alerts found to be unsubstantiated should be deleted without delay.

**Monitoring and Review**

The Youth Group Manager and Trustee responsible for safeguarding will ensure appropriate records are kept on all safeguarding concerns raised through the formal whistleblowing process.

Any whistleblowing concern will be reported to the Board of Trustees at their regular meeting.

This policy was adopted at the Board of Trustees Meeting on 29<sup>th</sup> September 2020

Signed on behalf of the Board of Trustees Jane Cranston

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Date for Review September 2021