

## Whistleblowing Policy

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## 1. Policy Statement

1.1 'Whistleblowing' (Raising Concerns at Work) is a term used to refer to the disclosure of malpractice, by an organisation's employees, which is considered to be in the public's interest.

1.2 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](#) and [dignity at work](#) (bullying and harassment) policies. Employees are encouraged to consider the provisions in these policies as appropriate.

1.3. If an employee brings information about whistleblowing to the attention of The Children's Society then they are protected in certain circumstances under the Public Interest Disclosure Act (PIDA) 1998.

1.4 The aim of this Policy is to encourage any employee who has serious concerns about any aspect of The Children's Society's work to come forward and voice those concerns and receive feedback on any action taken. It demonstrates how an employee can take the matter further if they are dissatisfied with the management response.

1.5 The Children's Society will not tolerate any harassment or victimisation of someone who makes a disclosure under this policy (including informal pressures) and will take appropriate action to protect them when they raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

1.6 The whistleblowing policy supports an employee to make a "protected disclosure" where they have a reasonable belief that there has been, is being, or could be:

- 1) a criminal offence, for example fraud;
- 2) a miscarriage of justice;
- 3) an act creating risk to health and safety;
- 4) an act causing damage to the environment;
- 5) a breach of any other legal obligation, for example not having the right insurance;
- 6) covering up any of the above;

1.7 In addition, The Children's Society's policy extends the same protection as provided by PIDA where the alleged malpractice relates to:

- 7) the welfare and/or protection of Children and Young People;
- 8) where there is a risk to the reputation of The Children's Society.

1.8 It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

1.9 Data collected as part of the whistleblowing procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the concerns or conducting the whistleblowing procedure.

## 2. Principles and scope

2.1 The Children's Society is committed to the highest possible standards of openness, probity and accountability. In line with this commitment The Children's Society encourages employees:

- To be vigilant;
- To inform The Children's Society of any legitimate concerns about any aspect of work of The Children's Society linked to the 8 points above.

2.2 No employee of The Children's Society will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern. The [Investigation at Work Policy](#) will be used to carry out investigations required.

2.3 Maliciously making a false allegation as well as an instruction to cover up wrongdoing is, in itself, a disciplinary offence. Where an investigation concludes that an employee has made a malicious, or vexatious, complaint, with a view to personal gain then disciplinary action may be taken against that employee

2.4 If the employee is told not to raise or pursue their concern by any other person then the employee should not agree to remain silent. The matter should be reported as soon as possible to either more senior manager and/or your HR Team.

2.5 In raising concerns at work within The Children's Society, an employee has the right to consult/seek external guidance from:

- their professional association
- trade union
- solicitor or independent organisations such as "Public Concern at Work" statutory bodies such as General Social Care Council (GSCC). Representative bodies may take issues up directly with the employing organisation on their member's behalf

2.6 Those who make a disclosure under this policy do not lose statutory protection because they are mistaken. They will have protection as long as they have a 'reasonable belief' that malpractice has taken place, is taking place or is likely to take place. It does not matter if the belief actually turns out to be inaccurate or that the conduct would not constitute malpractice, as long as their belief is objectively reasonable.

2.7 This policy should apply for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use The Children's Society's grievance policy and procedure.

2.8 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 any concerns they have about any aspect of the organisation's practice, they are strongly encouraged to raise them with assurances that the concern will be appropriately dealt with and the volunteer will be free from victimisation and harassment. Volunteers should raise their concern with their manager or with the Volunteering team, if appropriate. The full details of the procedure are outlined in the [Volunteer Handbook](#). An anonymous route is available in the event of

extreme circumstances. Anonymous disclosures can be sent by post addressed to the Director of Volunteering **Error! Bookmark not defined.**

2.9 Workers who are not The Children's Society employees (for example, independent contractors, consultants and workers supplied through an agency) are not covered under this policy. However, if any such worker has a concern, they should raise it with the relevant Director.

2.10 Data protection. When an employee makes a disclosure, The Children's Society will process any personal data collected in accordance with our data protection policy. Boundaries for the release and disclosure of information and the level of sensitivity of the investigation should be discussed between the investigating manager and the HR team and, if appropriate, the Safeguarding team and Data Protection Manager.

2.11 The employee has no responsibility for investigating the matter - it is The Children's Society's responsibility to ensure that an investigation takes place. This will be carried out in line with The Children's Society investigation policy

### **3. Raising, investigating concerns**

#### Employee's role

3.1 Concerns should be raised via the whistleblowing platform (<https://secure.ethicspoint.eu/domain/media/en/gui/107089/index.html>). The platform offer employees the ability to raise whistleblowing reports anonymously. The organisation commits to investigate all whistleblowing reports, whether raised anonymously, or otherwise, providing that there is sufficient detail provided as part of the report submission or through subsequent follow up. All follow up communication is done so anonymously.

3.2 A guide to raise a whistleblowing report can be seen in appendix 1.

3.3 Concerns should be raised as early as possible. 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.

3.4 There will be some circumstances where anonymity is not possible, for example where the person who makes a disclosure under this policy is an essential witness and the matter could not be investigated thoroughly without revealing the employee's identity. Should such a situation arise then this will be discussed directly with the employee via the platform messaging service.

3.5 Whilst an anonymous platform is available, it is still encouraged, wherever possible, that concerns are discussed with employees' line manager.

3.6 If the ELT Director is implicated in the concern, the report will be escalated to the Chief Executive.

3.7 If the Chief Executive or a Trustee Board member is implicated in the concern the report will be escalated to Diane Blausten, A TCS Trustee and member of the Organisational Development Committee.

3.8 HR will be in receipt of all whistleblowing reports made via the platform and will ensure that an investigating manager is identified accordingly in line with our Investigations Policy.

3.9 If HR is believed to be implicated, the employee should raise the concern with the relevant Director or their ELT Director who will consider an independent investigator in line with our [Investigations Policy](#).

3.10 Safeguarding concerns should continue to be reported through the safeguarding policies and procedures. Where a safeguarding report is made through the whistleblowing line then the employee will be referred to the safeguarding policy.

3.11 Some unique and rare circumstances may necessitate that a whistleblower discloses their concern externally without first disclosing and attempting to resolve it internally. An external reporting of an alleged malpractice can be used in the first instance where a whistleblower believes this is required to ensure the adequate resolution of the issue. The details of the external escalations are outlined in the section 5.

#### Manager's role

3.12 When approached by an employee to raise a concern at work, the manager must always:

- Take concerns seriously, without judgement, apology or condemnation
- Raise it with HR to ensure that the concerns are considered appropriately by an investigating manager.
- Recognise that raising a concern can be a difficult experience for some people
- Encourage the employee to raise concerns via the whistleblowing platform

3.13 The investigating manager (identified by HR) must:

- Ensure that a brief summary of the acknowledgement discussion is taken and that this is signed and dated by both parties.
- Consider whether the concerns raise fraud, corruption or child protection issues – in which case they may seek advice and guidance on how the concern should be investigated (e.g. an investigation under the investigation policy, a police referral, etc)

3.14. Where the investigation concludes that the concern raised by the employee requires no action, the investigating manager will reiterate to the employee that raising concerns in good faith is encouraged by The Children's Society.

#### HR's role

3.15 Ensure that they actively monitor the HR inbox for whistleblowing reports received from the whistleblowing platform.

3.16 Ensure that an investigating manager is appointed to consider the case. The investigating manager should be impartial and have relevant knowledge, information, and training to be able to carry out the investigation fully.

3.17 Work in partnership with the investigating manager and provide appropriate advice, guidance, and support.

3.18 Ensure that all parties are provided with the DAS Confidential Employee helpline.

3.19 Consider what support is required to all parties whilst an investigation is underway.

3.20 Ensure that appropriate parties are notified of the complaint, including where relevant ELT and/or Trustees.

3.21 Share relevant and appropriate information in accordance with the GDPR requirements as outlined in the paragraphs 1.9 and 2.10.

#### ELT Directors/ Board of Trustees' role

3.22 When considering the matter, must always:

- Take disclosures seriously, without judgement, apology or condemnation.
- Recognise that raising a concern can be a difficult experience for some people.
- On conclusion of any investigation, communicate the outcome of the investigation and what the ELT/ Board have done, or propose to do, about it.
- Take any necessary action, including reporting the matter to any appropriate government department or regulatory authority.
- If the concern is deemed a serious malpractice, part of the decision-making process would be to determine whether the Charity Commission should be notified.

### **4. Escalation**

4.1. If the employee is unhappy/not satisfied by the outcome of the investigation, they have the right to raise the concern orally but preferably in writing, with the Director of Diversity and Talent, or if they have been involved in the investigation, with the Chief Executive

4.2. The Director of Diversity and Talent aims within two weeks\* after being notified of the issue by the employee:

- Review the evidence and other materials gathered during the investigation;
- Where the concern can be acted upon, take action promptly and notify the employee of the action taken; or
- Where action is not considered practicable or appropriate, give the employee an update and thorough explanation of the reasons for this and, in the event of a disagreement, what further action is available; or
- If necessary agree with the employee to \*vary the time specified for a decision to reflect the enquiries or investigations deemed necessary
- If necessary explain why no decision can be given within the time specified, when a decision will be made and how the employee can make representations about the delay.

4.3. If the issue is being raised with the Chief Executive (rather than the Director of Diversity & Talent) then the same timing and process will take place as above (see 4.2),

### **5. External routes**

5.1. If the employee who raised the concern is not satisfied with the outcome of the internal investigation and the escalation, they have a lawful right to make protected disclosures under the PIDA. The independent charity, Protect (formerly Public Concern at Work), has lawyers who give free confidential advice to employees about their options. More information about them, their services, and how to contact them can be found here.

5.2. If the worker reasonably believes that the appropriate action has not been taken, or where they believe this is required to ensure the adequate resolution of the alleged malpractice, they should report the matter to the proper authority.

5.3. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- Commissioners for Her Majesty's Revenue and Customs (HMRC)
- The Financial Conduct Authority (FCA)
- The Charity Commission for England and Wales
- Children's Commissioner for England
- Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted)
- The National Society for the Prevention of Cruelty to Children (NSPCC)
- Office of Qualifications and Examinations Regulation (Ofqual)
- The Information Commissioner
- The Environment Agency
- The Health and Safety Executive
- The Comptroller and Auditor General
- The Pensions Regulator
- Chief Executive of the Criminal Cases Review Commission
- The Director of the Serious Fraud Office
- National Crime Agency
- Care Quality Commission
- The Certification Officer
- [Fundraising Regulator](#)

More information on the list of prescribed people and bodies and their contact details can be found [here](#).

## 6. Reference to the Media

6.1. Employees have a duty to The Children's Society not to disclose confidential information. As per our [Media Guidelines](#) any employee approaching the media without first approaching an appropriate manager such as The Head of Media and PR and/or the Chief Executive would need to be able to show that:

- a) they had good reason to conclude that such action was necessary and appropriate, and
- b) the organisation had failed to make adequate provision to address the concerns which led them to feel that such a course of action was necessary.

## 7. Monitoring and Review

7.1 The Director of Diversity & Talent will ensure the CEO and Director of Children and Young People are sighted on all safeguarding concerns, which have been referred to the safeguarding policy.

7.2 The Director of Diversity & Talent will report annually to the Board of Trustees on the number, nature and outcomes of concerns raised.

7.3. Any reporting to the Board of Trustees will be treated with the strictest confidence and the employee's identity will not be disclosed without their prior consent.

Policy Name:	Whistleblowing Policy
Owner:	Human Resources
Date approved:	July 2020
Date of next review:	July 2023
How is the policy to be disseminated:	Toolkits/Intranet/Coaching
Are there linked policies/procedures:	Consideration should be given to: <ul style="list-style-type: none"> <li>- Investigations at Work policy</li> <li>- Disciplinary policy</li> <li>- Dignity at Work policy</li> </ul>

## Appendix 1 – Guide to raising a whistleblowing report

### Information about the platform

The Children’s Society has partnered with Navex who provide a safe, secure, and anonymous helpline enabling staff and volunteers to report misconduct. Access is available 24/7 and 365 days a year.

The platform has been tailored to suit the needs of The Children’s Society and reports can be made either through the platform or via telephone.

### Access to the platform

1. Employees and volunteers are able to access our whistleblowing platform through the following website: <https://secure.ethicspoint.eu/domain/media/en/gui/107089/index.html>
2. There are two options of raising a report:
  - a. Clicking the “make a report” option near the top of the page, or
  - b. By calling 0808-234-7287

### Raising a report

*(The below information relates to reports made on the platform, and not via telephone, although the same questions will be asked)*

- After clicking on ‘Make a Report’ you will need to select the type of report you wish to make:

You are currently in the confidential and secure reporting structure of EthicsPoint. Below are the choices available to you. Please select the type of report you would like to make.	
A breach of any other legal obligation	Details
A criminal offence	Details
A miscarriage of justice	Details
An act creating risk to health and safety	Details
Risk to the reputation of The Children's Society	Details
The welfare and/or protection of children and young people	Details
Covering up any of the above issues	Details
Other	Details

*NB: The menu is based on the definitions in The Children’s Society’s whistleblowing policy. Where there is a specific safeguarding concern then this should be addressed via the safeguarding policy and procedures.*

- You will then be asked to provide some personal information, but also have the option of being anonymised:

\* Yes - I agree to the [Terms and Conditions](#) of making this report.

**Please provide information as follows:**  
 (\* Required fields)

Organization/Tier: **Children's Society**

Location where incident occurred:

Physical address, branch and/or store number

City:  State/Province:

Zip/Postal Code:

Country:

\* **Are you an employee of Children's Society?**  
 Yes  No

\* **Do you wish to remain ANONYMOUS for this report?**  
 Yes  No

**If you want Children's Society to know your identity, please complete the following:**

Your Name:  First Name  Last Name

Your Phone Number:

Your E-mail Address:

Best time for communication with you:

- You will then be able to identify people involved:

\* **Please identify the person(s) engaged in this behavior:**

Example:

John Doe, Director of Internal Audit  
 Unknown, Unknown, Night Supervisor

	First Name	Last Name	Title
#1	<input type="text"/>	<input type="text"/>	- <input type="text"/>
#2	<input type="text"/>	<input type="text"/>	- <input type="text"/>
#3	<input type="text"/>	<input type="text"/>	- <input type="text"/>

**Do you suspect or know that a supervisor or management is involved?**  
 Yes  No  Do Not Know / Do Not Wish To Disclose

If yes, then who?

Example:  
 John Doe, Director of Internal Audit

Any persons mentioned here will be restricted by EthicsPoint from access to this reported information.

**Is management aware of this problem?**  
 Yes  No  Do Not Know / Do Not Wish To Disclose

- And give an overview of the concern:

**What is the general nature of this matter?**

This should be a general description only, you will be asked for specifics later.

**Where did this incident or violation occur?**

We recognize that this incident may not have occurred in a particular location. However, if this incident was observed in some documentation or business transactions, please indicate this accordingly.

**Please provide the specific or approximate time this incident occurred:**

Examples:

Tuesday, May 3, 2002  
Two weeks ago  
Approximately a month ago

**\* How long do you think this problem has been going on?**

**\* How did you become aware of this violation?**

If other, how?

**Please identify any persons who have attempted to conceal this problem and the steps they took to conceal it:**

Examples:

Ignored it  
Changed documents  
Said it was not a problem  
Said they would look into it

Please identify by name and title.

**If you have a document or file that supports your report, most common file types can be uploaded:**

[Click here to upload files](#)

**\* Please provide all details regarding the alleged violation, including the locations of witnesses and any other information that could be valuable in the evaluation and ultimate resolution of this situation.**

Please take your time and provide as much detail as possible, but exercise care to not provide details that may reveal your identity unless you wish to do so. It may be important to know if you are the only person aware of this situation.

- You will then be asked to submit your report

When you submit the report, you will be issued a Report Key. Please write it down and keep it in a safe place. We ask you to use this Report Key along with the password of your choosing to return to EthicsPoint through the website or telephone hotline in 5-6 business days. By returning in 5-6 business days, you will have the opportunity to review any Follow-up Questions or submit more information about this incident.

**Please choose a password for this report:**

\* Password:

\* Re-enter Password:

**Your passwords must match and be at least four characters long.**

**It is vitally important that you make a note of your password and the report key code that is sent once you click the “submit report” button.** Both of these details are needed to access the platform to receive communication and updates regarding the report you issued.

Once a report has been submitted

Once submitted, HR will be notified that a report has been received and will follow the normal investigation process. However, if further information is required, or there are further questions, then messages will be sent through the platform to you. The platform enables anonymous messaging (see below – the person raising the report is classed as the “reporter”) which means that you can be contacted for further information but still remain anonymous.

**Questions/Comments and Reporter Responses**

06/22/2020 - Harding, Kelly  
Question: Can you see the case notes?

06/22/2020 - Reporter  
Response No