

# Whistleblowing Policy

## 1. Policy Statement

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

'Whistleblowing' is a term used to refer to the disclosure by employees 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. Employees are encouraged to consider the provisions in these policies as appropriate

- 1.1 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:
  - a) To be vigilant;
  - b) To inform The Children's Society of any legitimate concerns about any aspect of work of The Children's Society.
- 1.2 This will enable The Children's Society to achieve the high standards to which it is committed, ensure management accountability and the commitment of staff to good practice across the organisation.
- 1.3 The Whistleblowing (Raising Concerns at Work) policy and procedure aims to:
  - Encourage employees to feel confident in raising serious concerns and to question and act upon concerns
  - Provide avenues for employees to raise concerns and receive feedback on any action taken
  - Allow employees to take the matter further if they are dissatisfied with The Children's Society 's response; and
  - Reassure employees that they will be protected from reprisals or victimisation for disclosing information in good faith.

## 2. Principles

- 2.1 Whistleblowing at The Children's Society describes when an employee (or a group of employees) raise a concern about malpractice or wrong-doing or provide information usually about illegal or dishonest practices within our work. The information, which

should have come to the individual's attention through their work, is provided to The Children's Society or a regulator.

2.2 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.

2.3 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 raise them with their SLT member.

a. External disclosure

- The concern must first be raised with The Children's Society or a prescribed person by the whistleblower.
- The only exception is when the employee believes evidence would be destroyed or they would be penalised.

b. The whistleblower must:

- have a genuine belief in the information being disclosed,
- not make the disclosure for personal gain, and
- show it is reasonable to make the disclosure.

2.4 Whistleblowers do not lose statutory protection because they are mistaken. The whistleblower 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 the whistleblower's belief is objectively reasonable.

2.5 What is covered by our Whistleblowing policy?

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.

This includes:

- A criminal offence
- Failure to comply with any legal duty
- A miscarriage of justice (or deliberate and serious misrepresentation of information that would lead to a miscarriage of justice)
- A danger to the health and safety of any individual or groups of individuals, including risks to the public
- Damage to the environment

- Instances of slavery, servitude, forced and compulsory labour and human trafficking in The Children's Society or anywhere within its supply chain
- Any deliberate attempt to conceal any of the above

In addition The Children's Society's policy specifically covers any conduct which appears likely to harm the welfare and/or protection of children and young people. It also covers any conduct likely to harm the reputation of The Children's Society. In these circumstances, we undertake to provide the same protection as provided by PIDA.

- 2.6 The whistleblower is usually not directly, personally affected by the danger or illegality. The danger or illegality normally affects others, for example members of the public.
- 2.7 Whistleblowing rules provide protection to the whistleblower, even if the wrong-doing which is being exposed was by a third party and not the employer.
- 2.8 Every reasonable effort will be taken to ensure that employees who express their legitimate views/concerns in good faith about issues to do with The Children's Society 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.
- 2.9 The Children's Society has a range of policies and procedures in place, which deal with potential areas of concern. These should be used when appropriate. They include:
- a. The Disciplinary, Performance management and Grievance policies and procedures, Dignity at work policy (covering diversity, disability, bullying and harassment)
  - b. The National Policy Statement on Health, Safety and Welfare at work
  - c. Recruitment and Selection policy
  - d. Data Protection and Data Security policy
  - e. Anti - Fraud Bribery and Corruption Policy
  - f. Scheme of Management
- 2.10 If the concern relates to the employee's own employment, the Grievance Policy and Procedure should be used instead.
- 2.11 In raising concerns at work within The Children's Society, employees have 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 the Social Services Inspectorate, or the Central Council for Education and Training in Social Work. Representative bodies may take issues up directly with the employing organisation on their members' behalf

### **3. How to Raise a Concern at Work**

- 3.1 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 particular cause for concern. Although employees 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.
- 3.2 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.
- 3.3 Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee, or giving feedback on the action being taken.

## **4. Stage 1: Employees - What to do**

- 4.1 Wherever possible, an employee should raise their concern in the first instance with their line manager.
- 4.2 If an employee considers it not to be appropriate to raise their concerns directly with their line manager, because they consider the matter to be sensitive and serious or the employee believes the manager is involved, they should raise the concern with their SLT member.
- 4.3 If the SLT member is implicated in the concern, the employee should raise the concern with the Chief Executive.
- 4.4 If the Chief Executive is implicated in the concern the employee should raise the concern with the Chair of the Trustee Board.

Note: Any employee raising concerns covered by this policy has the right to be accompanied by an accredited trade union representative or colleague employed by The Children's Society. An employee may also look for advice about the policy from the HR Director.

## **5. Stage 1: Manager's responsibility**

- 5.1 Any manager who is approached by an employee with a concern must always:
  - Take concerns seriously, without judgement, apology or condemnation
  - Consider them fully and sympathetically

- Recognise that raising a concern can be a difficult experience for some people
- Seek advice from their own manager and/or support specialists where appropriate

5.2 Concerns raised by those who are not employees of The Children's Society are not covered by this policy but must be investigated by the manager with whom the concern is raised. On receipt of a concern at work raised by an employee, the manager is required to acknowledge receipt and:

- a. To complete a Staff Concerns Monitoring Form and send it to the Director of Finance and Corporate Services.
- b. In each case the manager receiving the concern will arrange an initial interview, which will, if requested, be confidential. The line manager/Director/Chief Executive will write a brief summary of the interview, which will be agreed, signed and dated by both parties. This summary will be produced as quickly as practicable.
- c. To investigate the concern/decide how the concern should be investigated

5.3 The manager receiving the concern must consider whether the concerns raise fraud, corruption or child protection issues – in which case they should seek guidance from the appropriate officer about how the concern should be investigated (e.g. a disciplinary investigation, investigation by Internal Audit, referral to Police).

5.4 The manager otherwise will investigate the concern:

- Respecting confidentiality
- Where necessary interviewing other staff
- Keeping the employee informed within reason about the investigation, at least fortnightly.
- Giving both the employee who raised the concern and staff who are the subject of the concern/investigation the name of a trained member of staff as a contact point for support
- Notifying staff who are the subject of the complaint about the nature and potential outcomes of the investigation and the type of support available to them from a trained member of staff, the Trade Union, Human Resources and AXA Counselling Service
- Considering whether staff who are 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.

5.5 To notify the employee in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law.

- Any reference to disciplinary action in this feedback will only be made subsequent to the member of staff subject to the disciplinary procedure being fully informed of their position and will take into account respecting confidentiality and data protection.
- Where the manager concludes that the concern raised by the employee requires no action, the manager will reiterate to the employee that raising concerns in good faith

is encouraged by The Children's Society, thank the person for raising the issue, point to further support available to them from the Trade Union or AXA counselling service, and highlight the options available if the employee is not satisfied with the outcome.

- To notify staff who were the subject of the complaint or concern of the outcome of the investigation. Where the investigation has not resulted in disciplinary action the employee may nonetheless need support and so should be offered support from a trained member of staff.

## **6. Stage 2**

- 6.1 If the employee is unhappy/not satisfied by the outcome of Stage 1 he/she has the right to raise the concern orally but preferably in writing, with the Director of Finance and Corporate Services, or if they have been involved in the investigation, with the Chief Executive
- 6.2 The Director of Finance and Corporate Services will no later than 1 month after being notified of the issue by the employee
- Review the evidence and other materials gathered during Stage 1
  - Where the concern can be acted upon, take action promptly and notify the employee quickly of the action taken or
  - Where action is not considered practicable or appropriate, give the individual employee a prompt 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 individual 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.
- 6.3 If the issue is being raised for the first time with the Chief Executive, no later than 3 months after being notified of the issue by the employee, the Chief Executive will proceed as above.

## **7. Stage 3**

- 7.1 If the individual who raised the concern is not satisfied with the outcome of the investigation and/or inquiry, The Children's Society recognises the lawful rights of employees and ex-employees to make a protected disclosure under the Act. The independent charity Public Concern at Work has lawyers who give free confidential advice. The address and contact details are:

Public Concern at Work  
16 Baldwins Gardens  
Suite 301  
London

EC1N 7RJ  
020 7404 6609  
UK enquiries: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)  
<http://www.pcaw.co.uk>

## **8. What an employee who raises a concern can expect**

- 8.1 Any employee raising concerns covered by this policy has the right to be accompanied to any meetings by an accredited trade union representative or colleague employed by The Children's Society. An employee may also look for advice about the policy from the HR Director.
- 8.2 Where a concern is raised in confidence, The Children's Society will protect the identity of the whistle-blower wherever possible. However there will be circumstances where this is not possible, as for example where the whistle-blower 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.
- 8.3 If an employee makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that employee. If, however, any subsequent investigation concludes that an employee has made malicious allegations or raised concerns with a view to personal gain, disciplinary action may be taken against that employee.

## **9. Reference to the Media**

- 9.1 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 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.
- 9.2 Therefore, any employee contemplating making a disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with his or her colleagues and, where appropriate, line and professional managers

## **10. Records**

10.1 A record should be kept by the manager dealing with the concern. Meetings should 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 staff member raising the concern.

## **11. Monitoring and Review**

11.1 The Director of Finance and Corporate Services will ensure the CEO and Director Children and Young People are sighted on all safeguarding concerns raised through the formal Whistleblowing process.

11.1 The Director of Finance and Corporate Services will report annually to the Board of Trustees on the number, nature and outcomes on concerns raised.

11.2 This procedure is for guidance only and does not form part of employees' contractual rights. The contents may be subject to revision from time to time.