

Whistleblowing Policy

Definition

“Whistle blowing occurs when a worker raises concerns about misconduct within an organisation or within an independent structure associated with it”

1. Protection

The Lloyd Park Centre is an organisation committed to delivering high quality services for children and their families, promoting organisational accountability and maintaining public confidence.

This policy provides individuals in the workplace with protection from victimisation where they raise a genuine concern about misconduct or malpractice in the organisation. The policy is underpinned by the Public Interest Disclosure Act 1999, which encourages people to raise concerns about misconduct or malpractice in the workplace, in order to promote good governance and accountability in the public interest.

It is not intended that this policy be a substitute for, or an alternative to the Charity's formal Grievance Procedure but it is designed to nurture a culture of openness and transparency within the organisation, which makes it safe and acceptable for employees, learners and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

The Lloyd Park Children's Charity believes that good communication between staff and volunteers promotes better work practice. The organisation seeks to conduct itself honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or unknowingly harbouring malpractice. We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. On this basis staff, learners and volunteers are encouraged to raise genuine concerns about malpractice in the workplace without fear of reprisals and The Lloyd Park Children's' Charity policies and procedures will protect them from victimisation and dismissal. The organisation undertakes to act in accordance with legislation on disclosure of malpractice in the workplace and to take

steps to protect its workers from detrimental treatment or dismissal if they raise concerns in good faith.

At The Lloyd Park Children's' Charity staff must acknowledge their responsibility to bring matters of concern to the attention of senior management or trustees and should be prepared to raise concerns about possible illegal or underhand practices without fear of being labelled as "sneaks" or trouble makers. Although this can be difficult this is paramount particularly where the welfare of children may be at risk.

Allegations of workplace malpractice should be thoroughly investigated.

Such investigation can lead to disciplinary action or potentially a criminal prosecution.

2. Authority for Whistleblowing Policy

Overall authority for this policy sits with the Trustees of The Lloyd Park Children's' Charity. The Chief Executive and Senior Leadership Team has the specific responsibility to facilitate the operation of this policy and to ensure that all staff, learners and volunteers feel able to raise concerns, without fear of reprisals, in accordance with the procedure set down below.

All staff, learners and volunteers are responsible for the success of this policy, as with all the Charity's policies and procedures, and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware.

3. Scope

This policy applies to all The Lloyd Park Children's' Charity employees and volunteers.

The Employment Rights Act 1996 protects every member of staff at the Charity against detrimental treatment or dismissal if they raise concerns about:

- Criminal Offences (child abuse etc)
- Breaches of legal obligations (including negligence, breach of contract, breach of administrative law)
- Miscarriages of justice
- Health and safety
- Damage to the Centre's property and environment
- The concealment of any of the above.

Staff will be covered by the Act if they raise concerns about a current situation or a likely future situation. This policy was developed with a focus on the Act and as such the management and all other staff of the Charity MUST desist from any act of victimisation of a courageous whistleblower.

Staff are only covered if they raise a concern which relates to one of the six areas noted above and if they follow the procedures outlined below. As long as the member of staff met with these conditions, has acted in good faith and has reasonable grounds for raising a concern, they will be covered by the law, even if the matter is later found to be of no concern. Under this policy they will not be a risk of losing their job or suffering any form of retribution as a result.

This assurance **will not** be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in malpractice.

Victimisation or harassment by others will not be tolerated by the organisation and staff engaging in such act will face the disciplinary actions for misconduct.

4.Procedure for disclosure

The Lloyd Park Children's' Charity encourages staff to raise concerns internally. If you believe that the actions of anyone (or a group of people) working or volunteering for The Lloyd Park Children's' Charity do or could constitute malpractice you should raise the matter with your line manager.

Where this is not appropriate because the line manager is involved in the alleged malpractice in some way, the matter should be raised with the Senior Leadership Team or Chief Executive and subsequently if issues raised are not resolved, to the Trustees. If it regards the Chief Executive, then the concerns should be directed to the Chair.

You may raise your concern verbally or in writing and should include full details and if possible supporting evidence. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential.

They can make a disclosure to another body not for personal gain only if:

- They have already disclosed the matter to the centre's management and no effective action has been taken.

In addition, the disclosure itself must be reasonable and in considering this, an investigation would look at:

- The identity of the person to whom the disclosure was made.
- How serious the concern is
- Whether the issue causing concern still remains.
- Whether the disclosure breached a duty of confidence which the employer owed a third party.

5. Confidentiality

Every effort will be made to keep the whistleblower's identity confidential at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential.

There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings.

If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as it is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure.

It is possible, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation. Equally, should an investigation lead to a criminal prosecution, it may become necessary for you to provide evidence or be interviewed by the police. In these circumstances, again, the implications for confidentiality will be discussed with you.

6. Anonymous Reporting

All whistleblowing disclosures are taken very seriously. Anonymous disclosures are more difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback or ascertain whether your disclosure was made in good faith.

The Lloyd Park Centre does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns.

7. Support for Whistleblowers

Once a disclosure is made, a named contact will be allocated as your key contact to keep you up to date with the matter and provide any specific support that you may need.

Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as

a result of raising concerns under this procedure you should inform your allocated contact person immediately. Workers who victimise or retaliate against those who have raised concerns under this policy will be subjected to disciplinary action.

8. How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used;

1. If you have any personal interest in the matter you have raised, you must disclose this at the outset. Your disclosure under this policy will be acknowledged in writing confirming that the matter will be investigated. The **Chair of the Trustee Board /Chief executive** will get back to you in due course.
2. A suitable person will be identified to manage the disclosure. This will be someone who is in a position to take any necessary action as an outcome.
3. A suitable person will be instructed to conduct an investigation into the allegation (this person will have had no previous involvement in the matter). We aim to start the investigation within 14 working days of the disclosure and will keep you informed. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
4. You may be asked to provide more information during the course of the investigation.
5. The investigation report will be reviewed by the person appointed to manage the disclosure.
6. Appropriate action in line with the Charity's policies and procedures will be taken – this could involve initiating a disciplinary process, or informing external authorities to include Ofsted if a criminal action has been committed e.g. fraud or theft. We will endeavour to inform you if a referral to an external authority is about to, or has, taken place, although we may need to make such a referral without your knowledge or consent if it is considered to be appropriate.
7. If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not considered serious enough to warrant disciplinary action (in line with the Centre's policy), it may be more appropriate for the Manager to take a more informal approach to dealing with the matter.
8. You will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.

9. Possible outcomes of the investigation could be that:
 - The allegation could not be substantiated; or
 - Action has been taken to ensure that the problem does not arise again. You will not, however, be given details about the action taken as this could breach the human rights of the person (s) involved.
10. If you are not satisfied with the response you have received, you should raise the matter with the Chair of the Trustee Board outlining your reasons.
11. If you have asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

9. Corrective Action and Compliance

As part of the investigation into disclosures made under this policy, recommendations for the change will be invited from the investigator to enable **Pauline Thomas, Chief Executive** to minimize the risk of the recurrence of any malpractice or impropriety which has been uncovered.

The Senior Leadership Team will be responsible for reviewing and implementing these recommendations in the future and reporting back to the Trustee Board on any changes required.

10. False Disclosures

The Lloyd Park Children's Charity will treat all disclosures of malpractice seriously and protect employees who raise concerns in good faith. However, appropriate disciplinary action will be taken in accordance with the Charity's Disciplinary Procedure against any employee, volunteer or student who is found to have made a disclosure maliciously that they know to be untrue, or without reasonable grounds for believing that the information supplied was accurate. This may result in dismissal.

Don't think what if I am wrong- think what if I am right

Policy Name	Whistle Blowing Policy
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This policy was developed by	Provision of Childcare for Employees Policy
These people were consulted/ involved in developing the policy	Acas (2015) Readopted (Sept 2017) Agreed by HR Consultant
This Policy was adopted by	Management Committee
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Signed	
Name	James Wragg
Role	Chairperson
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