

Whistle-blowing Policy

Aim

Youth@Heart is committed to conducting its activities responsibly and with honesty and integrity. However, we recognise that there is a risk of something going wrong or people behaving in ways that are not appropriate or acceptable. It is particularly important that any fraud, misconduct or wrongdoing by trustees, employees, volunteers or others working on behalf of the charity is reported and properly dealt with.

Objective

The purpose of this policy therefore is to provide a framework for all employees, volunteers, service users and any other individual who comes into contact with Youth@Heart to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run.

This policy sets out the way in which individuals may raise any concerns and how those concerns will be dealt with.

This policy is not intended to cover personal grievances relating to anyone's engagement or employment by Youth@Heart. We have other policies in place for dealing with such matters.

Definition

Throughout this document, 'CEO' shall refer to the Chief Executive Officer of the charity, or absent a Chief Executive Officer, to the founding trustee. References to 'Reporter' are to the individual reporting their concerns through this framework.

Whistle-blowing by a non-employee

Youth@Heart is committed to enabling non-employees to report their concerns they may have about the conduct of the Charity, or the actions of any individual trustee, employee or volunteer.

The charity will signpost on its internet site an office address and an email address to which concerns should be reported. Given the small size of the charity, this will be the charity's registered office and the charity email addresses of the CEO and the chair of the Board of trustees.

The report should then be investigated following the same principles and procedures as a report made by an employee.

Whistle-blowing by an employee

Having described a framework for non-employees to report their concerns, the principle objective of this policy is to describe the framework for an employee to report their concerns. This is especially important given the close proximity of employees to the day-to-day activities of the charity and the increased likelihood therefore that they might observe inappropriate activities. It is additionally important that an employee understands the protections afforded to them by the law so that they feel able to report their concerns without fear of retribution.

Protections

Specific legal protections are provided so that employees are able to report their concerns without fear of retribution.

Whistle-blowing Policy

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. Employees have no responsibility for investigating the matter - it is the charity's responsibility to ensure that an investigation takes place.

If an employee makes a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

Principles

- All employees should be provided with a copy of the whistle-blowing policy.
- All employees should be made aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager or trustee, an employee should not agree to remain silent. They should report the matter to the CEO or the Chair of the Board of Trustees.

Procedure

Stage 1: In the first instance, any concerns should be raised with the CEO, who will arrange an investigation of the matter. The investigation may involve the Reporter and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The reporter's own statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The CEO will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. The CEO will also invoke any disciplinary action required. On conclusion of any investigation, the Reporter will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Whistle-blowing Policy

Stage 2: If the Reporter is concerned that the CEO is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, they should escalate the matter to the Chair of the Board of Trustees. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

Stage 3: If on conclusion of stages 1 and 2 the Reporter reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

The full list can be found in The Public Interest Disclosure (Prescribed Persons) Order 2014:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection

When an individual makes a disclosure, Youth@Heart will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

This Whistle-blowing policy and the procedures detailed above were agreed and minuted at a meeting of the Board of Trustees on:

Name:

Signed:

Date:.....

Review Date:.....

Reviewed by:.....