

Holbeach Children's Club

Whistleblowing Policy

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Owner: D. Hackin

Holbeach Children's Club is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Version Control

Version	Author	Date	Status	Reviewed
1.	DH	June 2022	Initial Policy	June 2024

Whistleblowing Policy

Introduction	<p>Whistleblowing in the workplace is the term used to describe reporting by employees, or ex-employees, of wrongdoing on the part of management, the Board of Trustees or by fellow employees. Wrongdoing may include fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Holbeach Children's Club (HCC) Code of Conduct. Employees may, for this purpose include contractors and agency workers.</p>
Protecting the Whistleblower	<p>Under the Public Interest Disclosure Act 1998 a Whistleblower is protected from detriment and unfair dismissal. Holbeach Children’s Club will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.</p>
When should whistleblowing procedures be used?	<p>If an employee has concerns about wrongdoing at HCC and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.</p> <p>Each individual member of staff should feel able to speak freely on such matters. However, HCC and staff colleagues have the right to protect themselves against unfounded false or malicious accusations.</p> <p>Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.</p> <p>Whistleblowing is not appropriate for dealing with issues between an employee and HCC which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.</p> <p>Whistleblowing is not appropriate for dealing with parent or carer complaints, which will be dealt with under the separately published Complaints Procedure.</p> <p>Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in the Safeguarding and Child Protection Policy. If any staff member has concerns that a child is being treated unfairly at the club, they should raise their concern, in the first instance with the Manager, or in the second instance with the Board of Trustees.</p>
Procedure	<p>Any issue raised will be kept confidential while the procedure is being used.</p> <p>The Representor (the person raising the concern) should raise their concern with the Manager. This may be done orally or in writing.</p> <p>However, if the concern relates to the Manager, the Representor should raise the issue with the Chair of Trustees.</p> <p>The person with whom the matter is raised is referred to as the "Assessor".</p>

The Assessor will:

- Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to children;
- Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under this procedure;
- Ensure that all matters raised under this procedure are reported to the Board of Trustees.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Board of Trustees to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, with other suitable professionals, such as independent HR consultants, in order to assess the nature of the case and to inform the outcome of the investigation.

Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:

- The matter be further investigated internally by HCC;
- The matter be further investigated by external consultants appointed by HCC;
- The matter be reported to an external agency;
- Disciplinary proceedings be implemented against an employee;
- The route for the Representor to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by HCC.

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of HCC's other procedures or policies;
- The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

The recommendation of the Assessor will be made to the Chair of Trustees. If the Chair of Trustees is the Assessor, the recommendation will be made to the Board of Trustees.

The Manager or Chair of the Board of Trustees, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Board of Trustees.

The Representor’s identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain; or
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.

All responses to the Representor will be made in writing and sent to the Representor’s home address.

If the Representor has not had a response within the above time limit or such reasonable extension as HCC requires, the Representor may go to an appropriate external agency, but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

Malicious accusations

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under HCC’s disciplinary procedure, as well as potentially exposing the Representor to legal liability.

Informing external agencies

Within HCC all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers’ confidential information, unless it is in the public interest that the information is disclosed or unless HCC fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistleblowing to an external agency without first going through the internal procedure is a breach of HCC’s Code of Conduct. The external agencies which may be used if disclosure is permitted are:

- a. Ofsted;
- b. Member of Parliament;
- c. Charity Commission for England and Wales;
- d. Health and Safety Executive;
- e. Police.
- f. Protect (formerly Public Concern at Work): <https://protect-advice.org.uk>

Whistleblowing to the media is not appropriate or permitted in any circumstances.

**Confidential
employee
enquiries**

Employees may, on a confidential basis, seek prior guidance from the Manager or Chair of Trustees if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Manager or Chair of Trustees will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of HCC or any person under these procedures.

**Monitoring and
reporting**

The Board of Trustees will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented across HCC.

Review

This policy will be reviewed every two years or sooner if changes to guidance on best practice necessitate it.