

## The Licensed Trade Charity: **Organisation Policies and Procedures**

### **Whistleblowing Policy**

#### **POLICY STATEMENT**

The Charity is committed to conducting our business with honesty and integrity, and we expect staff to maintain high standards. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The policy aims are:-

- 1) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
- 2) To try and prevent suspected wrongdoing from occurring
- 3) To provide staff with guidance as to how to raise those concerns.
- 4) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy does not form part of any employee's contract of employment and it may be amended from time to time.

This policy applies to all individuals working at the Charity at all levels (including agency staff and self-employed contractors).

#### **Whistleblowing**

The official name for Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work but is much more commonly called 'blowing the whistle'. This may include, but is not limited to:-

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with legal obligations;
- bribery;
- articulation or promotion of radicalised or extremist viewpoints or beliefs; and/or
- deliberate concealment of any of the above.

A worker is encouraged to report an issue whether the issue is likely to occur, is occurring or has occurred.

A worker will be eligible for protection as a 'whistleblower' if they are making a disclosure about a matter that would be within the public interest and they think they're telling the right person.

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This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the grievance procedure. If you are unclear about if something is within the scope of this policy you should seek advice from the HR Director.

#### **Raising a Claim**

If a member of staff has any concern regarding the safeguarding of children this must be referred to the Designated Safeguarding Lead (DSL) immediately.

Information that suggests that there may be some wrong doing or corruption in relation to any aspect of the Charity's business should be discussed with your line manager initially and this can be done in person or in writing.

However, where the matter is more serious or you feel your line manager has not addressed your concern or if you would prefer not to raise it with them, you should contact the HR Director, Nikki Annable or the Chair of the Education Committee, Anita Adams (whose details are at the end of this policy). If the management are notified of a concern they will ensure that concerns raised are taken seriously and:-

- a meeting will be held with the employee as soon as possible to discuss their concerns;
- the employee may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation;
- the Charity will take down a written summary of the employee's concern and provide them with a copy after the meeting;
- where appropriate, the information will be investigated and an objective assessment made of the concern (this may involve further meetings with the employee);
- the employee will be advised of progress and informed of the likely timescale; and
- necessary action will be taken to resolve a concern and discussed with the employee. Sometimes there is a need for confidentiality and this may prevent the Charity from giving the employee specific details of the investigation (e.g. if any disciplinary action is being taken). The employee should treat all information given to them as confidential.

#### **Confidentiality**

If an employee wants to raise an issue confidentially, the Charity will make every effort to keep the employee's identity a secret. If it is necessary for anyone investigating the concern to know the employee's identity, the Charity will discuss this with you.

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The Charity does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Charity cannot obtain further information from the employee. It is also more difficult to establish if the allegations are credible and made in the public interest.

Whistleblowers who are concerned about reprisals should discuss this with a member of the Executive Team and appropriate measures can then be taken. If an employee is in doubt, they can seek advice from Public Concern at Work (PCAW), an independent charity whose details are at the end of this policy.

#### **If you are not Satisfied**

While the Charity cannot always guarantee the outcome an employee is seeking, it will try to deal with any concern fairly and in an appropriate way. By using this policy, employees help the Charity to achieve this.

If an employee is not happy with the way in which their concern has been handled, they can raise it with one of the other key contacts outlined above (in Raising a Claim). Alternatively, they can contact a relevant independent body for further advice. We would recommend you contact PCAW in the first instance who operate a confidential helpline and have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

#### **External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body (for example, where the wrongdoing is extremely serious) and an employee's duty of confidentiality to the Charity does not prevent an employee from seeking advice or discussing any concerns with PCAW and/or from reporting your concerns to a prescribed external regulator in accordance with the provisions of the Public Interest Disclosure Act 1998 (PIDA). We strongly encourage employees to seek advice before reporting concerns externally. As outlined above, PCAW operate a confidential helpline and hold a list of prescribed external regulators to whom an employee can report concerns and retain protection. To assist, the Charity has also included a list of the most relevant prescribed external regulators, along with the matters you are permitted to report to them, in the Prescribed External Regulators section of this policy. Please note that this is not an exhaustive list and further information can be obtained from PCAW.

An employee should keep in mind that if an external disclosure is made to anyone who is not on the list of prescribed external regulators, it may not constitute a "protected disclosure" for the purposes of PIDA.

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The Charity would always encourage employees to report issues internally first.

#### **Protection and Support**

Staff who raise concerns must not suffer any detrimental treatment (including dismissal, disciplinary action, threats or other unfavourable treatment). If an employee believes they have suffered such treatment, they should inform the HR Director immediately. If the matter is not remedied, the employee should raise a grievance under the grievance procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

Further information can be obtained from

[http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DG\\_10026552](http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DG_10026552)

#### **Contacts**

##### **Nikki Annable**

HR Director

Telephone: (01344) 882 770

E-mail: [Nikki.Annable@ltccharity.org.uk](mailto:Nikki.Annable@ltccharity.org.uk)

##### **Anita Adams**

Chair of Education Committee

E-mail: [goldenslipper5@aol.com](mailto:goldenslipper5@aol.com)

#### **Public Concern at Work**

(Independent whistleblowing charity)

Helpline: (020) 7404 6609

E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

#### **Prescribed External Regulators**

The Charity Commission of England and Wales in relation to the proper administration of funds provided for charitable purposes

The Children's' Commissioner in relation to the welfare of children

Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") in relation to the welfare of children provided by the accommodation at boarding schools

The Information Commissioner in relation to compliance with the legislation relating to data protection and freedom of information

The Local Authority in relation to health and safety at work

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The Pensions Regulator in relation to the provision of occupational pension schemes

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