

# **TEESDALE DAY CLUBS**

## **Policy Document**

### **Number 14 Issue 02**

#### **Whistle Blowing Policy and Procedure**

##### **Introduction**

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 a person to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. They have no responsibility for investigating the matter - it is the charity's responsibility to ensure that an investigation takes place.

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

##### **Policy**

It is the policy of Teesdale Day Clubs (hereafter referred to as "the charity") that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported, investigated, and properly dealt with. The charity requires all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run. This policy and related procedure (below) sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

##### **Principles**

- All staff, volunteers, trustees, and service-users of the charity should be aware of the importance of preventing and eliminating wrongdoing across all activities undertaken by the charity.

# **TEESDALE DAY CLUBS**

## **Policy Document**

### **Number 14 Issue 02**

- 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 policy 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 policy and related procedure. This means that the continued employment and opportunities for future promotion or training of the individual 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 because of any investigation, disciplinary procedure (Disciplinary Policy and Procedure Number 12)) will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- 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, you should not agree to remain silent. You should report the matter to the Strategic Manager or the Chair of the Board of Trustees.

### **Handling Qualifying Disclosures (Whistle Blowing)**

#### **Introduction**

This procedure is specific to Qualifying Disclosures only. Any other matters should be raised using the Membership Policy (document Number 1).

#### **Procedure**

When making a qualifying disclosure the following stages must be followed except where you are concerned that the Strategic Manager is involved in the wrongdoing in which case you should progress immediately to stage 2.

#### **Stage 1**

- In the first instance, any concerns should be raised with the Strategic Manager, who will arrange an investigation of the matter.
- The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out in this policy.

# **TEESDALE DAY CLUBS**

## **Policy Document**

### **Number 14 Issue 02**

- Your statement will be considered, and you will be asked to comment on any additional evidence obtained.
- The Strategic Manager will document the investigation and 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 Strategic Manager will also invoke any disciplinary action that may be required.
- On conclusion you will be told the outcome and what the charity has done or proposes to do, to resolve the issue, or if no action is to be taken the reason for this will be explained.

#### **Stage 2**

- If you are concerned that the Strategic Manager is involved in the wrongdoing or has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees.
- The Chair will arrange for an investigation to be carried out, make any necessary enquiries and make their own report to the Board.
- On conclusion you will be told the outcome and what the charity has done or proposes to do to resolve the issue, or if no action is to be taken the reason for this will be explained.

#### **Stage 3**

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant prescribed 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

You can find the full list 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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

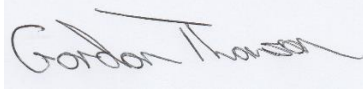
#### **Data protection**

When an individual makes a disclosure, the charity will process any personal data collected in accordance with the data protection policy. Data collected

**TEESDALE DAY CLUBS**  
**Policy Document**  
**Number 14 Issue 02**

from the point at which the individual makes the report will be held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

**Reviewed and approved by the Board of Trustees and signed on their behalf by the Chair:**

A handwritten signature in black ink, appearing to read "Gordon Thorne", is written over a light blue rectangular background.

**Date: 3rd November 2023**

**Reviewed every 5 years unless legal guidance changes**