



**Westgate Youth Project  
Whistle Blowing Policy  
&  
Procedure  
2022**

## **Introduction**

This Policy applies to all persons working for Westgate Youth Project or on our behalf, including trustees, paid staff and volunteers.

All organisations face the risk of things going wrong or of unknowingly harbouring wrongdoing. By promoting a culture of openness within WYP, all staff (paid and voluntary) and trustees are encouraged to raise issues which are of concern at work.

By knowing about wrongdoing at an early stage, steps can be taken to safeguard the interests of all staff and prevent fraud and corruption before it happens. KWYP is committed to the highest possible standards of openness, probity and accountability. If staff and others working with us (including volunteers) have concerns regarding any aspect of our work we encourage them to come forward and speak up with their concerns. In some instances, concerns may need to be expressed on a confidential basis.

## **Aim**

This policy is intended to encourage individuals to raise serious concerns internally within WYP, without fear of reprisal or victimisation, rather than overlooking a problem or raising the matter outside.

This policy aims to ensure individuals:

- can feel confident in raising serious concerns and to question and act upon concerns about practice
- are provided with avenues to raise concerns and receive feedback on any action taken
- receive a response to their concerns and are aware of how to pursue the matter further if they are not satisfied with the outcome
- can be reassured that they will be protected from reprisals or victimisation if they make a disclosure
- are aware that, in the case of WYP employees, a false or malicious disclosure will be addressed in accordance with the WYP Disciplinary Procedure.

A whistleblower is a person who is working for or with WYP and raises a concern which relates to possible fraud, crime, danger or other serious risks which could threaten service users, members of the public or the success and reputation of WYP.

## **Scope**

The Whistle blowing Policy applies to all employees working at a Westgate Youth Project youth club. Concerns that are raised will be addressed in accordance with the associated whistle blowing procedure and these can include matters such as:

- conduct which is, has been or is likely to be an offence or breach of law

- conduct that has occurred, is occurring or is likely to occur the result of which WYP fails to comply with a legal obligation. For example, unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
- a concern that a WYP employee (or someone working with us) or a service user may be at risk of being drawn into extremism and terrorism (see below)
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
- past, current or likely damage to the environment
- concerns about any aspect of service provision
  - To raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

### **Protection of the whistle-blower**

WYP is committed to the Whistle blowing Policy and individuals are encouraged to raise concerns about malpractice in the context of the policy. Concerns will be treated seriously and actions taken in accordance with this policy. Individuals may be anxious that, by reporting genuine whistle blowing concerns their actions may leave them vulnerable. It is important to emphasise that WYP will not tolerate the victimisation, intimidation or penalisation of anyone raising a genuine concern, anyone involved in the subsequent investigation or anyone acting as a witness. Anyone responsible for any such action against individuals making genuine disclosures will be the subject to a disciplinary investigation under the disciplinary policy. It is automatically unfair to dismiss an employee if the reason, or main reason, is that they made a protected disclosure, i.e. a disclosure about a 'relevant failure' in the following areas

- a criminal offence;
- breach of legal obligation;
- a miscarriage of justice;
- danger to an individual's health and safety;
- damage to the environment; or
- deliberate concealment of information relating to any of the above.

Whistle-blowers receive protection under the Public Information and Disclosure Act 1998. Further information can be found at the end of the policy under Appendix 1 Confidentiality All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the individual is required to come forward as a witness.

## **Anonymous Allegations**

Concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at WYP's discretion. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **Untrue Allegations**

Persons who knowingly make false, malicious or vexatious allegations will be investigated and could be subject to disciplinary action under the disciplinary policy.

## **Bribery Act 2010**

WYP has a zero tolerance approach to acts of bribery and corruption. Any instances of suspected bribery and corruption must be reported. If you do not feel able to report your concerns to your line manager, the Whistle blowing Procedure can be used to confidentially raise this matter.

Counter-Terrorism & Security Act 2015 – Prevent duty for Local Authorities The Counter-Terrorism & Security Act 2015 places a duty on Local Authorities to have due regard to the need to prevent people from being drawn into terrorism. If you have a concern that a WYP employee (or someone who works with us) or a service user is being drawn into extremism or terrorism you should raise this via the 'CHANNEL' referral process

**Additional Information E-Learning module – 'Whistle blowing with Confidence'**

## Appendix 1

### The Law

The Public Interest Disclosure Act 1998 (PIDA) applies to all employees and is in place in order to allow employees to raise legitimate concerns about matters that are of a public nature. These include situations where criminal offences, breaches of legislation and illegality occur. These are called "Qualifying Disclosures". It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be committed; a 'reasonable belief' is enough to form the basis of concerns. Some examples of this may be:

- Criminal offences.
- Fraud, bribery or financial mismanagement.
- Abuse of vulnerable groups of people.
- Practices that put the health and safety of employees or young people at risk.
- Failure to comply with legal obligations.
- Breaches of legislation, such as the Data Protection Act.
- Covering up medical negligence.
- Causing damage to the environment.
- Concealment of any of the above.

For a disclosure to be protected it should be made in the appropriate manner to Westgate Youth Project.

For example, disclosing a serious health and safety issue to a manager is likely to be protected, but not if the concern was disclosed directly to the newspapers or media without having first attempted to make the organisation aware of the problem.

This policy provides guidance on what falls under the scope of the whistle blowing legislation, how any such issues may be raised in confidence within WYP and provides assurances that its employees will be protected from suffering from any detriment (i.e. victimisation, discrimination or dismissal) for raising any matters of public interest.

## **Whistle blowing Procedure**

### **Introduction**

It is important for individuals to have an appropriate means to raise concerns if they believe that something is seriously wrong within WYP.

You may become aware of, or directly witness, situations or conduct that makes you feel uncomfortable or you regard as inappropriate. The Whistle blowing Procedure provides a means for you to raise concerns about matters not related to your own work within WYP but which you feel need to be examined. Examples of the type of matters that could lead to you wishing to raise a whistle blowing concern are:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur the result of which WYP fails to comply with a legal obligation. For example, unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
- a concern that a WYP member of staff (or someone working with us) or a young person may be at risk of being drawn into extremism and terrorism
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other members of staff
- past, current or likely damage to the environment
- concerns about any aspect of service provision

This document outlines the process that will be followed in the event of a whistle blowing complaint being raised.

### **Other Complaints Procedures**

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary procedures that already affect an individual.

### **How to Raise a Concern**

#### **General**

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on your behalf.

If you intend to make a whistle blowing concern you are encouraged to include your name. If you specifically request for your name not be released during the examination of your concern, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

In the event of anonymous allegations being received, this should be sent to one of the trustees who will determine whether or not it is possible for the allegations to be examined.

### **Step One – Raising a Concern**

Whenever possible you should raise your concern with your immediate manager or his/her manager, who can, if needed, seek guidance and advice from one of the trustees.

### **Recording Concerns**

The governing body maintain a central record of whistle blowing concerns.

If the youth work manager receives Whistle blowing concerns, they must report the matter to the trustees.

### **Step Two - How WYP will respond**

The action WYP takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by the youth work manager, the governing body, or through the disciplinary process
- be referred to the Police
- form the subject of an independent inquiry

You will be written to within ten working days of your concern being raised

- acknowledging that the concern has been received
- indicating how WYP proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not.

In order to protect individuals and WYP, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

The appropriate person will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the person will seek advice from where appropriate, safeguarding professionals.

When any meeting is arranged you have the right to be accompanied by a Trade Union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistle blowing Procedure. This may involve disciplinary action against another WYP employee or the involvement of agencies such as the Police or the External Auditor.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

### **Protection from Reprisals and Victimisation**

WYP does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect you if you raise a concern via the Whistle blowing Procedure. WYP will treat any reprisals, victimisation or harassment as a serious matter. In the event of a disciplinary case being found, this could potentially result in the person's dismissal.

### **Public Interest Disclosure**

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any WYP employee directly due to the individual having made such a disclosure will automatically be unfair

WYP accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

#### **How the matter can be taken further**

This procedure is intended to reassure you and provide clear information to help you raise concerns in confidence.

WYP hope you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with WYP then possible alternative points of contact points are listed below.

Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

Contact Details (External Organisations)	Details
Grant Thornton The Council's external auditors	Address: 30 Finsbury Square, London, EC2A 1AG  Tel no. 020 7383 5100
The Local Government and Social Care Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH E-mail: <a href="mailto:advice@lgo.org.uk">advice@lgo.org.uk</a> Web: <a href="http://www.lgo.org.uk">www.lgo.org.uk</a> Tel no. 03000 061 0614

The Equalities and Human Rights Commission	Address: FREEPOST Equality Advisory Support Service FPN4431 Email: <a href="mailto:correspondence@equalityhumanrights.com">correspondence@equalityhumanrights.com</a> Web: <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a> Tel no. 0808 800 0082
The Health and Safety Executive (Regional Office)	Address: Health and Safety Executive, International House Dover Place Ashford Kent TN23 1HU : Web: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a> Tel no. 0845 345 0055
The Environment Agency (Regional Office)	Address: National Customer Contact Centre PO Box 544 RotherhamS60 1BY E-mail: <a href="mailto:enquiries@environmentagency.gov.uk">enquiries@environmentagency.gov.uk</a> Web: <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a> Tel No. 0370 850 6506
Citizens Advice	Please refer to web for local information Web: <a href="http://www.citizensadvice.org.uk/">www.citizensadvice.org.uk/</a>
Police	Please refer to web for local information Web: <a href="http://www.kent.police.uk">www.kent.police.uk</a> Tel No. non emergencies 101
Your local councillors (if you live in Kent)	Web site: <a href="http://www.Kent.gov.uk">www.Kent.gov.uk</a>
Protect – Free Confidential Whistleblowing advice	Tel No: 020 3117 2520 Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>
Whistleblowing: List of prescribed people and bodies	Website: <a href="https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies">https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies</a>

### **False or Malicious Allegations**

Disciplinary action will only be taken against individuals who make false, malicious or vexatious allegations.