




Marches Family Network

Whistleblowing Policy and Procedure

Written By	Kerry Williams/Margy Whalley
Updated By	Rae Chambers
Owner	Trustees and Staff of Marches Family Network
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Introduction

Marches Family Network recognises that all organisations face the risk of things going wrong or of unknowingly harbouring malpractice. By promoting a culture of openness within Marches Family Network, staff are encouraged to raise issues which are of concern at work. By knowing about malpractice at an early stage, steps can be taken to safeguard the interests of all staff and prevent fraud and corruption before it happens.

This policy applies to everyone working or volunteering for Marches Family Network.

It is important to the charity that any fraud, misconduct or wrongdoing by staff of the charity is reported and properly dealt with. The charity therefore encourages all staff to raise any concerns that they may have about the conduct of others in the charity or the way in which the charity is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

No-one should hesitate to "speak up" or "blow the whistle" if they believe malpractice may be occurring.

Scope

This policy applies to all trustees, employees, workers, volunteers, contractors, and consultants working on behalf of Marches Family Network; for the purposes of this policy all are referred to as staff.

Marches Family Network encourages staff to raise their concerns under this policy in the first instance. Where the member of staff is not comfortable speaking with the line-manager or the Manager and remains unsure whether to use this procedure or to begin whistleblowing action, there are organisations that they can contact to obtain independent advice. These organisations are listed in Appendix A

What is Whistleblowing?

Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to an organisations activities. This includes bribery, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

The term 'whistleblowing' is used to describe a formal disclosure of alleged corruption, malpractice or wrongdoing made to the appropriate person in authority. This disclosure might be based on a colleague's conduct during the course of employment or about an organisation's systems, procedures or custom and practice.

Whistleblowing is very different from a complaint or a grievance. It only applies when you have no vested interest, and you are acting as a witness to misconduct or malpractice that you have observed.

As a whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'.

The Law

The law provides protection for staff who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a member of staff 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 the member of staff to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The member of staff has no responsibility for investigating the matter - it is the charity's responsibility to ensure that an investigation takes place.

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

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff 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 member of staff who raised the issue.
- No staff will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of the member of staff will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a member of staff for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this policy the charity's 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, by a person in authority such as a line manager or Manager, staff should not agree to remain silent. They should report the matter to a trustee.

Aims of the Policy

The aim of the policy is to:

- Help staff to raise any serious concerns they may have about colleagues or Marches Family Network with confidence and without having to worry about being victimised or disadvantaged in any way as a result.
- Ensure everyone is aware of what to do and the appropriate person to notify in the event of concerns around serious malpractice, breaches of regulations or criminal offences and will allow for investigation of matters where there is 'reasonable belief' that malpractice is or may be occurring. It will also advise on the protection they will receive from Marches Family Network and offered under the Public Interest Disclosure Act 1998 (PIDA).
- Ensure that whistleblowing procedures are not used in relation to employee grievances concerning individual terms and conditions of employment or other aspects of the working relationship, which are covered in other policies.

Protection of the Whistleblower

- Marches Family Network is committed to the Whistleblowing Policy and staff 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.
- Staff may be anxious that, by reporting genuine whistleblowing concerns, their actions may leave them vulnerable. It is important to emphasise that Marches Family Network 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 of disciplinary action.
- Whistleblowers receive protection under the Public Interest Disclosure Act 1998 (PIDA).

Procedure to Report a Concern

➤ Step One

In the first instance, any concerns should be raised with their line manager unless the member of staff reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the member of staff does not wish to approach their line manager. If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the member of staff should proceed straight to step 3.

The concern can be raised either verbally or in writing. The format for the concern should be

- ❖ The background and history of the concern (giving relevant dates)
- ❖ Full names of those involved or know about the concern.
- ❖ The reason why you are concerned about the situation.

Within 10 working days of the concern being raised the responsible person will write to the member of staff

- ❖ Acknowledging that the concern has been received.
- ❖ Indicating how the Charity proposes to deal with the concern.
- ❖ Giving an estimate of how long it will take to provide a final response.
- ❖ Letting them know whether any initial enquiries have been made.
- ❖ Supplying them with information regarding staff support mechanisms.
- ❖ Letting them know if further investigations will take place, and if not why not.

➤ Step Two

The line manager will arrange an investigation into the matter (either by investigating the matter personally or immediately passing the issue to the Manager). The investigation may involve the member of staff and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The member of staff's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The line manager (or the person carrying out the investigation) will then report to the trustee board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency if required. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the Manager, who will start the disciplinary procedure. On conclusion of any investigation, the member of staff will be told the outcome of the investigation and what has been done, or proposed to do, about it. If no action is to be taken, the reason for this will be explained.

➤ **Step Three**

If the member of staff is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the trustee board, they should inform the nominated trustee, Jackie Howe, who will arrange to review the investigation carried out, make any necessary enquiries and make her own report to the trustee board as in stage 2 above. If for any other reason the worker does not wish to approach their line manager or the Manager, they should also in the first instance contact the nominated trustee, Jackie Howe. Any approach to the trustee will be treated with the strictest confidence and the member of staff's identity will not be disclosed without their prior consent.

➤ If on conclusion of steps 1, 2 and 3 the member of staff reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- ❖ HM Revenue & Customs;
- ❖ The Financial Conduct Authority;
- ❖ The Competition and Markets Authority;
- ❖ The Health and Safety Executive;
- ❖ The Environment Agency;
- ❖ The Independent Office for Police Conduct; and
- ❖ The Serious Fraud Office.

➤ If your whistleblowing concern relates to safeguarding, the appropriate contacts are

Team/Contact	Contact Number	Child/Adult	Availability
Herefordshire Council			
Herefordshire Multi Agency Safeguarding Hub (MASH)	01432 260800	Child	
Herefordshire Council Over 18's Safeguarding Team	01432 260715	Adult	9am – 5pm Mon to Fri
	0330 123 9309		Before 9am, after 5pm, and during weekends and public /bank holidays
Email safeguarding@herefordshire .gov.uk			
Herefordshire Local Authority Designated Officer (LADO)	01432 261739		Terry Pilliner
Other Agencies			
NSPCC	0808 8005000		Available 24/7
Ofsted	0300 1231231		8 am – 6 pm Mon to Fri

Data Protection

When a member of staff makes a disclosure, Marches Family Network will process any personal data collected in accordance with its Privacy 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.

Organisations Offering Independent Advice

Protect

Protect can be contacted on 020 3117 2520. Protect are a charity that aims to make whistleblowing work for individuals, organisations and society. Every year, they support around 3,000 whistleblowers who call their Advice Line. In addition, we work with organisations on improving their speak up arrangements and campaign for better legal protection of whistleblowers.

The NSPCC

The NSPCC can be contacted on 0808 800 5000. Their Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation. If you think an organisation is putting children at risk, even if you're not certain, call them today to talk through your concerns. A chat with your partner or a mate about your concerns won't change anything but a chat with NSPCC can change a child's life