



# **WHISTLEBLOWING AT WORK POLICY**

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## **1 Introduction**

- 1.1 NE Youth is committed to ensuring the highest possible standards in delivering the services it provides. This policy demonstrates the Board's commitment to recognise and take action in respect of malpractice, illegal acts or omissions by its employees or ex-employees. It is the responsibility of all staff and volunteers to ensure that if they become aware that actions of other staff or volunteers of the organisation might compromise this objective, they will be expected to report the matter safe in the knowledge that the matter will be treated seriously and sensitively.
- 1.2 The Public Interest Disclosure Act 1998 encourages employers to establish procedures that protect staff who, acting in good faith, disclose information about their employing organisation and its activities or those of any of its staff or directors, any one working for, with or connected to it. Whistleblowing refers to making a disclosure in the public interest regarding malpractice or wrongdoing in the workplace. This policy has been developed to support and assist staff in bringing genuine concerns to the attention of the appropriate people within NE Youth who can initiate an investigation into the matters raised. Volunteers are not covered under the Public Interest Disclosure Act 1998.

## **2 Scope of the Policy**

- 2.1 This policy applies to all volunteers and staff and directors of NE Youth including: permanent, temporary and pool staff. This policy may also be applied to self-employed contractors and agency staff working within NE Youth, by agreement with the relevant party.
- 2.2 Situations may arise when it is not appropriate, or a staff member or volunteer feels unable, to report incidents through the usual management channels.

These may include:

- Malpractice, abuse or ill treatment of a service user by a member of staff or volunteer;
- Repeated ill treatment of a service user, despite a previous complaint having been made;
- Suspected fraud;
- A criminal offence is, or is likely to be, committed;
- Disregards for legislation e.g. Health and Safety legislation;
- Breach of NE Youth's Financial controls;
- Damage to the environment, e.g. incorrect or inappropriate disposal of clinical waste;
- Showing undue favour over a contractual matter or to a job applicant;
- A breach of the NE Youth Code of Conduct and/or organisational policies;
- Where evidence may have been concealed or destroyed;
- Where there has been a previous disclosure of the same information.

### **3 Responsibilities**

3.1 All staff and volunteers have a responsibility to ensure that the best possible standards of professionalism is achieved and to act in accordance with the NE Youth Code of Conduct and organisational policies. Staff and volunteers are advised to:

- Report to a member of NE Youth's staff as outlined in this policy, any concerns that something is happening which might compromise these standards;
- Raise concerns in good faith with a true belief that a malpractice has occurred;
- Not raise concerns with any malicious intent or vexatious nature;
- Raise concerns with a manager in the first instance wherever possible.

3.2 NE Youth positively encourages responsible and well-intentioned whistleblowing and it should be noted that the organisation will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under NE Youth's Disciplinary Procedure.

Managers have a duty to:

- Treat concerns in a confidential manner;
- Take staff and volunteer concerns seriously;
- Consider them carefully and undertake an investigation;
- Understand the difficult position a member of staff or volunteer may be in;
- Seek appropriate advice;
- Take prompt action to resolve the concern or refer it on to an appropriate person;
- Keep the member of staff/volunteer informed of the process;
- Monitor and review the situation;
- Inform the Designated Officer or Named Board Member, if appropriate;
- Ensure that individuals who genuinely report concerns are not penalised in any way.

3.3 NE Youth recognises the difficulty staff and volunteers may face in voicing concerns and assures them of support and confidentiality during the investigation process. NE Youth will ensure the confidentiality of members of staff/volunteers who raise matters of concern, wherever possible.

3.4 The Chief Executive, or Chair where appropriate, is responsible for monitoring the concerns/issues that are raised in relation to services and will make regular reports to the Board where relevant. The Finance Sub Committee will consider concerns and issues relating to fraud, corruption and Standing Financial Instructions, and report to the Board.

### **4 Procedure for Reporting**

4.1 All staff and volunteers who reasonably believe they have concerns, as described in section 2, are encouraged to follow internal procedures as laid out in section 5 prior to pursuing external routes which are available as laid out in section 9.

- 4.2 In certain cases it is recognised that individuals may be reluctant to voice their concerns, particularly if the conduct or action of a colleague is involved. This may be true particularly if a member of staff is in a senior position.
- 4.3 NE Youth will do its utmost to ensure that staff and volunteers feel able to raise such concerns confidentially and without fear of subsequent action being taken against them. In the event of any repercussions, staff are advised to refer to the NE Youth Capability, Disciplinary and Grievance Policy.
- 4.4 In all cases, staff and volunteers have the right to discuss their concerns with the Chief Executive and ultimately, with the Chair of NE Youth. However, it is hoped that staff and volunteers will feel able to use the internal procedure as laid out in section 5 in the first instance.
- 4.5 Members of staff and volunteers are obliged to act in accordance with NE Youth's Confidentiality Policy.

## **5 Internal Procedure**

- 5.1 Wherever possible staff and volunteers are encouraged to resolve their concerns about service provision informally i.e. between the individual and a manager. In this regard, managers will:
- Take the concern seriously;
  - Consider the issues fully and sympathetically;
  - Recognise that raising a concern can be a difficult experience for staff or volunteer;
  - Seek advice from colleagues where necessary;
  - Treat the matter confidentially;
  - Reassure the member of staff/volunteer about protection in the event of possible reprisals or victimisation;
  - Consider whether the concern would be best dealt with under the Whistleblowing Policy or another procedure (such as grievance).
- 5.2 Where a member of staff or volunteer does not feel it is appropriate to raise a matter with a manager, it may be raised with the Designated Officer or the named Board Member. (See Appendix 1 & 2 for contact details).
- 5.3 The manager will be required to investigate the allegations thoroughly. The member of staff/volunteer raising the concern will be asked to provide details in writing. On receipt, this will be counter signed by the manager to indicate that they have received it and a copy will be returned to the whistleblowing member of staff/volunteer. The individual will receive an initial written response within five working days, including details of any further action to be taken, and a full written response within seven working days of the completion of the investigation, where appropriate. These timescales can be extended, if necessary, by mutual agreement.
- 5.4 In the event that the outcome is not satisfactory to the member of staff/volunteer, the process to date will be reviewed by the Designated Officer or named Board Member within agreed timescales.

- 5.5 In either situation, as described in paragraphs 5.1 or 5.3, the Designated Officer will arrange an initial confidential interview with the member of staff/volunteer to ascertain the area of concern. The member of staff/volunteer will have the right to be accompanied at the meeting by a fellow employee, trade union representative or friend of their choice. In either case, the Designated Officer / named Board Member will write a brief summary of the interview within five working days, including details of any further action to be taken, which will be agreed with the member of staff/volunteer raising the concern. These timescales may be extended, if necessary, by mutual agreement.
- 5.6 Where no prior investigation has taken place, the Designated Officer following discussion with the member of staff/volunteer, will raise the concern with the relevant manager who will initiate the appropriate investigation. In the event of the concern being related to a Board Member, the issue should be raised directly by the Designated Officer with the Chief Executive.
- 5.7 A formal response following the investigation will be made to the member of staff/volunteer within seven working days. These timescales may be extended, if necessary, by mutual agreement.
- 5.8 In the event of the issue not being resolved by the Designated Officer or named Board Member, the matter should be referred to the Chief Executive within 5 working days. It is the Chief Executive's responsibility to take all appropriate action to resolve the matter as quickly as possible. These timescales may be extended, if necessary, by mutual agreement.

No member of staff/volunteer shall be victimised or suffer loss as a result of raising genuine concerns under this policy. This will be the case even where the allegation subsequently proves to be unfounded, providing it was made in good faith, without malice and without thought of personal gain.

## **6 Following the Investigation**

- 6.1 The Designated Officer will brief the Chief Executive as to the outcome of the investigation. The manager or Designated Officer will then arrange a meeting with the whistleblower to give feedback on any action taken (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The feedback will be provided within 7 working days of the completion of the investigation. The timescales may be extended, if necessary, by mutual agreement.
- 6.2 If the member of staff/volunteer remains dissatisfied with the investigation, NE Youth recognises the right of individuals to pursue the matter via other internal policies and procedures or external routes at any time (see Section 9).

## **7 Concerns about the Chief Executive/Chair**

- 7.1 If the complaint is about the Chief Executive, the named Board Member should raise the issue with the Chair. The Chair should then instruct the named Board Member to carry out an investigation, following the same procedure in Section 5.

## **8 Concerns about the Chair**

- 8.1 If the complaint is about the Chair, the Designated Officer should notify the Chief Executive who will discuss the issue with named Board Member in order to initiate the investigation process, in the same manner as Section 5.

## **9 Disclosure outside the Organisation**

- 9.1 An employee, who remains dissatisfied with the outcome of the investigation, has the right to pursue the matter via external routes. NE Youth would encourage staff/volunteers to obtain advice on the Public Interest Disclosure Act before pursuing this route, a copy of which will be made available on request.
- 9.2 Staff/volunteers have a right to make a public disclosure without going through the internal procedure first. However, NE Youth would always encourage employees to raise the matter with the Designated Officer or manager in the first instance.
- 9.3 If in doubt contact the 'Speak Up' Whistleblowing Helpline on 08000 724 725 for advice.

## **10 Safeguards against False/Malicious Allegations**

- 10.1 Where the investigation concludes that false or malicious allegations have been made, it may be necessary to take action under the NE Youth Disciplinary Procedure against the complainant.

## **11 Records**

- 11.1 Records will be kept in a separate secured file for six years.

## **APPENDIX 1**

### **Contact details for Designated Officer**

Gemma Lockyer Turnbull – 01914990571 / 07827972331

## **APPENDIX 2**

### **Contact details for named Board Member**

David Bawn - 07947248220

## **APPENDIX 3**

### **Guidelines for Initial Discussion with Employee**

This sheet is not intended to be used as a pro-forma. It is a suggested structure to support you in gaining as much information as possible. Depending on the nature of the concern, some of the points may not be appropriate.

1. Details of concern, for example:
  - What has happened?
  - When did it occur?
  - Where did it occur?
  - Who was involved?
  - How long has this been happening?
2. Are there any witnesses?
3. Is there any supporting information/evidence?
4. How did the member of staff become aware of the incident/occurrence/activity?
5. Has the matter been raised with anyone else, if so, whom and when?
6. Name of persons to whom disclosure is made.
7. Any actions agreed.