

# Whistleblowing Policy

**Department: Core Services**

**Approval Route: Board**

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v6	14.12.2023	
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## **1. POLICY STATEMENT**

YMCA Derbyshire ("the Group") is committed to the highest standards of honesty and integrity in conducting our business, and we expect all staff, volunteers and those engaged to undertake activities on our behalf, to maintain these standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harboring 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.

## **2. SCOPE AND PURPOSE OF THIS POLICY**

This policy applies to all employees, former employees, apprentices, agency workers, casual workers, volunteers, consultants and contractors.

The aim of this policy is to:

- encourage staff and those covered by this policy, to report suspected wrongdoing or dangers (eg. to health or the environment) 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;
- provide guidance as to how to raise those concerns; and
- reassure staff and others covered by this policy, that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy does not form part of any contract of employment and we may amend it at any time.

## **3. WHAT IS WHISTLEBLOWING?**

Whistleblowing is the reporting by an individual (the "whistleblower") of suspected illegality or dangers that have a public interest aspect to it, for example because it threatens service users, third parties or the public generally.

There may be occasions where individuals have concerns about inappropriate action or behaviour which happens in the organisation. Such concerns may include, but are not limited to:

- Criminal offences (except for those in relation to bribery and corruption which should be reported using the procedure set out in the organisations Anti-Bribery and Corruption Policy);
- Financial maladministration including facilitation of tax evasion;
- Failure to comply with any legal or professional obligations or regulatory requirements;
- Health and safety risks;

- Miscarriages of justice;
- Damage to the environment; and
- The deliberate concealment of any of the above matters.

Whistleblowing is different from raising a grievance. A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

This policy does not set out the procedure that applies to general grievances. If an employee has a complaint about their own personal circumstances, then they should use the organisation's Grievance Procedure instead and make reference to relevant policy e.g. Bullying and Harassment, Equality, Diversity & Inclusion, Code of Conduct, etc.

If you have a safeguarding concern in relation to a child, young person or vulnerable adult then you should follow the procedures set out in the Safeguarding Policy.

If you are uncertain whether something is within the scope of this policy you should seek advice from People Services.

#### **4. RAISING A WHISTLEBLOWING CONCERN**

Where any individual covered by this policy wishes to make a disclosure, they should raise the issue with the appropriate person as outlined below so that there is an opportunity to address the area of concern.

A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although an individual is not expected to prove the truth of their concern beyond doubt or provide evidence, the individual will generally need to provide the following information as a minimum:

- the nature of the concern and why the individual believes it to be true; and
- the background and history of the concern (giving relevant dates where possible).

Anyone wishing to make a disclosure should do so in confidence to the Assistant Director of Corporate Services & Governance.

In cases where the disclosure relates directly to the Assistant Director of Corporate Services & Governance, individuals should raise the issue with the Chief Executive.

If an individual has raised concerns and is still concerned, or the matter is so serious that they feel they cannot discuss it with either of the two persons named above, they should raise the matter with the National Office of the YMCA or Protect, an Independent Whistleblowing Charity. All contact details are at the end of this policy.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or trade union representative to any meetings under this policy.

Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting. We may ask for the meeting to be recorded.

## **5. CONFIDENTIALITY**

We hope that staff, volunteers and those covered by this policy will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage disclosures to be made anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the People Services and appropriate measures can then be taken to preserve confidentiality.

If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

## **6. 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 you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely (if ever) be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, volunteer, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the organisation encourages you to report such concerns internally first. You should contact your Line Manager or the People Services for guidance.

To make a direct whistleblow complaint or disclosure regarding a post-16 education provider to the Department for Education (DfE), individuals can send a letter to the following address:

Customer Service Team  
Department for Education  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

For more information on how the DfE handles whistleblowing disclosures, refer to the following page at [How DfE handles whistleblowing disclosures - GOV.UK](#) and [Blowing the whistle to the Department for Education - GOV.UK](#). Please note that in order for the DfE to investigate this concern appropriately, it is important to name and specify exactly which school you are concerned about. This involves providing the DfE with a full name, address and postcode of the school in question for the concern to be taken forward.

As an Independent Education provider, we recognise whistleblowers may need to refer to Ofsted or other awarding bodies also. To Whistleblow to OFSTED you can contact their whistleblowing Hotline at 0300 123 3155, email them at [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk), or send a letter to the following address:

WBHL Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

To report suspected malpractice or wrongdoing related to awarding body activities, you can whistleblow directly to the awarding body itself. This is a way to raise concerns about exams, assessments, or the actions of exam boards. You can also raise concerns with the regulatory body, like ofqual, if the matter relates to their regulated qualifications.

For further information on Whistleblowing for employees, please follow this link; [Whistleblowing for employees: What is a whistleblower - GOV.UK](#)

Examples of **alternative** prescribed regulators are:

- The Information Commissioner's Office - an independent public body set up to promote access to official information and protect personal information. They can be contacted on Tel: 0303 123 1113 or you can submit an online enquiry form which is available on their website at [www.ico.org.uk](http://www.ico.org.uk).
- The Health and Safety Executive - responsible for enforcing health and safety in the workplace. They can be contacted on: Tel: 0300 003 1747 .

For a full list of the prescribed people and bodies please visit: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>.

## **7. INVESTIGATION AND OUTCOME**

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings to provide further information.

In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

You will be advised whether an investigation takes place or not and asked whether you would like to be provided with feedback. However, depending upon the nature of the matter raised, we may not be able to provide you with details of the action taken. If that happens, please be assured that this does not mean that the matter is not being taken seriously. Where it is permissible to do so you will be advised of the action taken at the conclusion of the matter. In the event that you are not satisfied that your concerns have been addressed adequately you have a legal right to report your concerns to a prescribed regulator (see section 6).

Concerns which are raised and which are known to be untrue, or where the whistleblower knows that there are no reasonable grounds for the allegation, may result in disciplinary action, or in the case of agency workers and contractors, the termination of the contract.

## **8. IF YOU ARE NOT SATISFIED**

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with Protect.

Alternatively you may contact the Chair of the Trustees or our external auditors etc. Contact details are set out at the end of this policy.

## **9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS**

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise concerns about matters which are 'qualifying disclosures'. Such disclosures might be 'protected disclosures' even if the worker is mistaken.

Under the **Public Interest Disclosure Act 1998 (PIDA)**, individuals who raise genuine concerns in the public interest about wrongdoing — such as fraud, bribery, corruption, or other illegal or unethical conduct — are legally protected from dismissal, victimisation, or any form of detriment as a result of speaking up.

To qualify for protection:

- The disclosure must be made in good faith.
- The concern must relate to a matter that is in the public interest (not a personal grievance).
- The report must be made to the appropriate person or body (e.g. line manager, whistleblowing officer, regulator such as the DfE or Ofsted).

Staff must not suffer any detrimental treatment as a result of making a protected disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your Line Manager or the People Services immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

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

## **10.MONITORING AND REVIEW OF THE POLICY**

This policy will be reviewed every two years or earlier if there is a change in legislation or for reasons of good practice.

The Board of Trustees has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

People Services have day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Assistant Director of Corporate Services & Governance, in conjunction with the Board of Directors should review this policy from a legal and operational perspective at least bi-annually.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to People Services.

## **11.CONTACT DETAILS:**

### **Protect**

(Independent whistleblowing charity)

Helpline:

020 3117 2520

Website:

[protect-advice.org.uk](https://protect-advice.org.uk)

Address: The Green House  
244-254 Cambridge Heath Road  
London E2 9DA

YMCA England & Wales

Contact Number 020 7186 9500  
Email [enquiries@ymca.org.uk](mailto:enquiries@ymca.org.uk)  
[Address](#) [10-11 Charter house Square](#)  
[London](#)  
[EC1M 6EH](#)

## **External Auditors**

Dains Audit Limited  
Suite 2 Albion House  
2 Etruria Office Village  
Forge Lane  
Stoke-on-Trent  
ST1 5RQ

**Assistant Director of Corporate Services & Governance**  
[kira.horvath@ymcadebryshire.org.uk](mailto:kira.horvath@ymcadebryshire.org.uk)

## **Chair of the Board of Trustees**

[jsmith@thealternativeboard.co.uk](mailto:jsmith@thealternativeboard.co.uk)