



## Hilldrop Area Community Association Whistleblowing Policy

**May 2021**

Policy No. 10	This policy was adopted by HACA in June 2018 and will be reviewed at least every 2 years.	<b>Date of Review:</b> May 2021
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Hilldrop Area Community Association (HACA) expects the highest standards of behaviour from all Staff, Trustees and Volunteers.

This whistleblowing procedure is intended to encourage employees and others who are listed below to report inappropriate action by any of the above which would not normally be revealed due to fears of victimisation or retribution.

The procedure provides a framework to ensure that the organisation and those who act on its behalf conduct themselves in a proper manner.

The procedure reassures staff that they will be protected from reprisals or victimisation for making reports of malpractice in good faith which they reasonably believe to be true.

### **Legal Context**

This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998.

### **Scope of the Procedure**

This procedure applies to a report where it is the reasonable belief of the employee or other person making the report that it relates to:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- A danger to the health and safety of an individual
- Damage to the environment
- A failure to comply with the organisation's policies and procedures
- Any conduct which may damage the organisation's reputation
- Deliberate concealment of information relating to any of the above

Any of the above in relation to the conduct of the organisation's business, including activities carried out by contractors on its behalf, is covered by this procedure

### **Matters Outside the Scope of the Procedure**

The procedure does not normally cover:

- Matters that concern day to day issues relating to an employee's terms and conditions of employment or a complaint about another employee which can usually be referred to their line manager, or if necessary be pursued using the organisations Grievance Procedure
- Matters that would normally be dealt with by the organisations collective bargaining arrangements with its recognised trade unions
- Matters relating to Child Protection which should be reported to the Designated Safeguarding Lead (Iola Isaac) or in her absence the Trustee with C&YP Safeguarding responsibility (Brian Bench)
- Matters relating to Safeguarding Vulnerable Adults should be referred to the Centre Manager (Elaine Maffrett) or the Centre Administrator (Natasha Harper).
- Allegations of suspected fraud should be made to the Trustees.
- Complaints from the public that relate to the standard of service delivered by the organisation or its contractors should be reported through the organisations complaints procedure.

### **Who is covered by the Procedure?**

All employees, trustees, contractors (and their staff), partner agencies, agency workers, consultants, trainees and self employed people providing work for the organisation may make reports under this procedure outlining any concerns.

## **Procedure**

## **Reporting a Concern**

In the first instance you should report any concerns to your line manager or their manager, preferably in writing. However, if you feel the matter is extremely serious or sensitive or involves your line manager or their manager, you may report the matter to the Chair of Trustees (Stephen Moorby).

Before raising your concern you may wish to take advice on the matter from any of those listed in paragraph named "Advice" of this procedure or discuss your concerns with a colleague first. It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

In raising your concern in writing, you should give as much detail as possible, i.e. the background and history, giving names and relevant dates and the reasons why you are particularly concerned about the situation.

If you feel hesitant about putting your concern in writing at this stage you should contact the manager to whom you wish to make the report and arrange to meet them. Do bear in mind you may be asked to put the details in writing later.

Managers receiving a report under this section must notify the Centre Manager (or Chair of Trustees where the Centre Manager is involved) within 24 hours.

## **Reporting a Concern to the Organisation's Whistleblowing Officer**

The organisation's Whistleblowing Officer is the Chair of Trustees.

You may make a written report to the organisations Whistleblowing Officer if you:

- a) Have previously raised an issue to management within your team and feel that it has not been dealt with properly or the matter involves your manager; or you fear that you will be victimised if the matter is raised within your management structure; or you fear that relevant information may be concealed or destroyed if the matter is raised within your management structure.
  
- b) If the matter you wish to raise involves the Whistleblowing Officer, you may make your report to another trustee.

## **Investigation of Your Report**

You will be advised whether the referral is appropriate for this procedure.

Receipt of your report will be logged by the Whistleblowing Officer, following which you will normally be interviewed. You may be accompanied at the interview by a trade union representative, a colleague or a friend if you feel this would help. In most cases you will be asked to provide a written statement detailing the allegations following the interview.

You will receive a written acknowledgement of your report and will be informed of the action that will be taken to investigate your concern within 10 working days of receipt. You will also be given an estimate of the likely timescale of the investigation, although this cannot be guaranteed.

Wherever possible, you will be kept informed of the progress of the investigation - unless the investigator considers that there is a risk of the investigation being prejudiced by disclosures of the process being taken. You may not receive full details of the progress or the outcome of the investigation if provision of details would be inconsistent with obligations of confidentiality in relation to others.

In some circumstances the matter may be referred to an external agency, such as the police if a crime is involved. Wherever possible the Whistleblowing Officer will advise you of this before doing so.

If you are not satisfied with the response from the Whistleblowing Officer, you may report this in writing to the Chief Executive of Islington Council.

### **Conclusion of Investigation**

If your allegation is not proven or there is insufficient evidence on which to base a conclusion, you will be advised accordingly. It will not be necessary in these cases for a report to be prepared as this could compromise your identity unnecessarily.

In cases where action is necessary as a result of your allegation, a report will usually be sent to the Board of Trustees. The Chair of Trustees will be responsible for implementing the recommendations in the report. You will be advised when the investigation is complete but it may not always be possible to tell you the details of the findings as this may be confidential.

If the investigation concerns inappropriate action by the Chair of Trustees, the report will be sent direct to the Chief Executive. If you are concerned about the Chair of Trustees receiving the report you should discuss this with the investigator.

## **General Provision**

### **Anonymous Reports**

Whilst it is accepted that anonymous allegations do not carry the same weight, any such reports received by the organisation will be considered at its discretion and where such a decision is made, appropriate investigations made as far as possible into the circumstances. In exercising this discretion account will be taken of the seriousness, credibility of the matters raised and the likelihood of confirming the allegation from the sources quoted.

### **Anonymity**

During the initial stages of the investigation, if you so wish, the organisation guarantees that your identity will only be disclosed to those directly involved in investigating the allegation. We will do our best to maintain your anonymity throughout the enquiry but this may not be possible as it may be obvious to those under investigation who has made the allegation or attempting to maintain your anonymity may hinder or frustrate the investigation. If we consider it is necessary to formally identify you we will always discuss this with you in advance.

In cases where disciplinary action is taken, it may be necessary for you to provide witness evidence. We will try to gather evidence to support your allegation without requiring your attendance at a hearing, but this may not always be possible. We may also need to disclose your identify to other investigating agencies but will discuss this with you before doing so.

### **Statutory Protection**

The Public Interest Disclosure Act 1998 provides individuals with protection from victimisation, dismissal or any other detriment provided they have a reasonable belief that what they have reported is true and the report is made in good faith.

### **Protection to Organisation Employees**

No action will be taken against you by the organisation if you make a report in good faith even if it is not confirmed by the investigation.

The organisation will treat any victimisation or harassment of an employee who has made a report in good faith under this procedure as a serious disciplinary offence.

If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns to the Whistleblowing Officer. The matter will then be dealt with as a new referral under this procedure.

Employees should not make reports which they do not reasonably believe to be true or which are malicious. Disciplinary action may be taken against an employee who makes an allegation frivolously, maliciously or for personal gain.

If you are already the subject of a disciplinary, capability or redundancy procedure, this will not normally be halted as a result of your report.

### **Advice**

You may wish to ask for confidential help from a trade union, lawyer or professional organisation.

You may also contact any of the following organisations outside the organisation for assistance with your concern:

- Public Concern at Work Tel: 020 7404 6609 or visit their website: <http://www.pcaw.co.uk/>
- Ofsted **0300 123 1231**
- Any of the Islington Early Years Team including Amanda Joy, Jane Wright based at Laycock Street London N1

### **Reporting Outside the Organisation**

This procedure is intended to provide you with an avenue within the organisation to raise concerns. The organisation hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the organisation following completion of the process set out earlier in this procedure, the following are possible contact points:

- The Health & Safety Executive;
- The Environment Agency; or
- Other appropriate regulatory body. including Ofsted

A report made externally, i.e. to the police, media or Member of Parliament, will only be protected under the Public Interest Disclosure Act if the following apply:

- If you honestly and reasonably believed the information and any allegation contained in it to be substantially true
- The allegation has not been made for personal gain
- The allegation has already been raised with the trustees, unless you reasonably believed you would be victimised or that there may be a cover-up or that the matter is exceptionally serious.