

## Whistleblowing Policy

Authorship:	People and Policy Sub-Committee
Reviewing Officer:	People and Policy Manager
Review Commencement Date:	December 2024
Subsequent Review date:	December 2025
Version	1.6



**Here for young people**  
**Here for communities**  
**Here for you**

YMCA enables people to develop their full potential in mind, body and spirit. Inspired by, and faithful to, our Christian values, we create supportive, inclusive and energising communities, where young people can truly belong, contribute and thrive.

FAMILY & YOUTH WORK

HEALTH & WELLBEING

HOUSING

TRAINING & EDUCATION

SUPPORT & ADVICE

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## **1. Introduction**

YMCA Humber (the Association) is committed to the highest standards of openness and accountability. An important aspect of ensuring accountability and transparency is to have a mechanism in place which permits employees to voice concerns in a responsible and effective manner.

It is a fundamental term of every employee's contract of employment that individuals faithfully serve their employer and refrains from disclosing confidential information about the employers' affairs. Nevertheless, if an employee discovers information which shows malpractice or wrongdoing within the Association then this information should be disclosed internally without fear of reprisal with arrangements in place to enable this to be done independently.

The Public Interest Disclosure Act, 1998, [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/24/section/1) provides legal protection to all employees, ensuring they are not victimised or harassed by their employer because of publicly disclosing certain serious concerns. The Association has endorsed the provisions set out within this policy to ensure that no employee should feel at a disadvantage in raising legitimate concerns.

This policy is intended to assist individuals who believe they have discovered malpractice or impropriety, however, is not designed to question financial, or business decisions taken by the Association, nor should it be used to decide concerns that can be redressed under any other YMCA Humber formal policy. In addition, the procedures of the policy should be used by the employees rather than discussing their complaints outside the Association.

## **2. Scope of Policy**

This policy ensures employees can raise concerns internally and disclose information that they believe shows malpractice or impropriety. This policy is intended to cover concerns that are in the public interest and can initially be investigated separately but may lead to the invocation of other procedures e.g. disciplinary. Concerns raised under this may include:

- Financial malpractice or impropriety or fraud.
- Failure to comply with a legal obligation or Statutes.
- Dangers to Health & Safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour.
- Attempts to conceal any of these.

## **3. Safeguards**

The Whistleblowing Policy offers protection to employees of the Association assuming the disclosure is made in good faith or, in the reasonable belief that the disclosure shows malpractice or impropriety. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure.

The Association will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential, if it does not hinder or frustrate any investigation.

However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

This policy encourages individuals to put their name on any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Association. In exercising this discretion, the factors to be considered will include:

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

No action will be initiated against those making the complaint if it is felt that the allegations were made in good faith but not confirmed by subsequent investigation. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. However, if an employee makes malicious allegations, particularly if they persist in making them, disciplinary action may be taken against that individual.

Whistleblowers must not suffer any detrimental treatment because they have raised a genuine concern and if an employee believes they have suffered any such treatment, they must inform a member of the management team or their line manager immediately. If the matter is not remedied, the person should then raise it formally using the Association's Grievance Procedure.

Threatening behaviour or retaliating against whistleblowers in any way will not be tolerated and any person involved in such conduct may be subject to disciplinary action. If the Association concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

#### **4. Procedures for Making a Disclosure**

Any employee who receives and takes note of the complaint must pass this information on, as soon as is reasonably practicable to the People and Policy Manager who is the Association's designated Whistleblowing Officer. The People and Policy Manager will then coordinate the investigation as detailed below.

- Complaints of malpractice within any team or department of YMCA should be investigated by the direct department manager or department head where applicable unless the complaint references or involves that employee member specifically, in which case the investigation should be led and supervised by the People and Policy Manager.
- Complaints against the Chief Executive must be passed to the Chair of the Board of Trustees who will nominate an appropriate investigating officer at their discretion. The complainant has the right to bypass the line management structure and take their complaint directly to the Chair only in these circumstances. The Chair has the right to refer the complaint back to management if it is felt that management can more appropriately investigate without any conflict of interest.
- If there is evidence of criminal activity, then the investigating officer should inform the police. The Association will ensure that any internal investigation does not hinder a formal police investigation throughout the longevity of the complaint.

## **5. Timescale.**

Due to the varied nature of these sorts of complaints, laying down precise timescales for investigations is not possible. The investigating officer should ensure that the investigations are undertaken as quickly as possible, without affecting the quality and depth of those investigations.

As soon as practically possible, the investigating officer will send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed.

All responses to the complainant will be in writing and sent to a preferred address of communication (such as the home address) or if in agreement, emailed via PDF versions of documentation to their home email address.

## **6. Investigating Procedure**

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the employee against whom the complaint is made as soon as is practically possible. The employee will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Association's auditors and the Police at this stage and should consult with the Chief Executive Officer (or Chair if applicable).
- The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals / bodies.
- A measured decision concerning the complaint and validity of the complaint will be made by the investigating officer. This will be detailed in a written report containing the findings of the investigations and reasons for the decision. The report will be passed to the Chief Executive Officer or Chair as appropriate.
- The Chief Executive Officer / Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke disciplinary action or other appropriate procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Association's auditors to enable a review of the procedures.
- If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with any the Leadership Team, unless the allegation concerns the managers at this level. The employee should then raise the concerns, in confidence, with the Chief Executive Officer. The decision taken at this point will be considered as being final.

## **7. Raising Concerns Outside the Association**

This policy is intended to provide all employee members with an avenue within YMCA Humber to raise concerns. The Association hopes you will be satisfied with any action taken. If all internal procedures have been exhausted but the complainant is not satisfied with the outcome, the Association recognises the lawful rights of employees and ex-employees to make disclosures to appropriate external agencies. The following are possible contact points:

- A relevant professional body/regulatory agency (i.e. HSE or the Charity Commission).
- YMCA Humber's External Auditors.
- Your Solicitor.
- Police.
- Public Concern at Work (see below).

In the case of abuse of children or vulnerable people, follow the procedure outlined in the YMCA Humber Safeguarding Policy. If an employee is making a complaint outside the Association, they should ensure they do not disclose confidential information and are asked to check with the contact point. In no circumstances should matters be raised with the press or other media functions, any such contact is a breach of the disclosure practices of the Association and will result in direct disciplinary action.

If an employee is unsure of what to do or wishes to seek independent advice at any stage of the whistleblowing process, they can access independent advice from, Protect who support employees through a designated advice line.

- Protect (formally Public Concern at Work) : 02031 172520
- Monday 9.30 am – 1.00 pm & 2.00 pm – 5.30 pm
- Tuesday 9.30 am – 1.00 pm & 2.00 pm – 5.30 pm
- Wednesday 9.30 am – 1.00 pm
- Thursday 9.30 am – 1.00 pm & 2.00 pm – 5.30 pm
- Friday 9.30 am – 1.00 pm
- Closed Weekends and Bank Holidays

[Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

## **8. References.**

[Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

[Whistleblowing: Frequently Asked Questions | The Crown Prosecution Service \(cps.gov.uk\)](https://cps.gov.uk)