



Whistleblowing Policy

(‘Making a Disclosure in the Public Interest’)

This document consists of:

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- Investigating procedure

Updated March 2020

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Responsible person: W Benson

Signed:

Date

Introduction

Kids Kabin is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and volunteers to voice concerns internally, in a responsible and effective manner, when they discover information which they believe shows serious malpractice without fear of reprisal.

Staff should in the first instance consider consulting their line manager; however, if uncomfortable about raising the matter with them, they may want to seek assistance from this whistle blowing policy.

Scope of Policy

This policy is designed to enable employees and volunteers of the organisation to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest. Concerns will be investigated fully including interviews with all the witnesses and other parties involved and may at least initially be investigated separately but might then lead to other procedures (e.g. disciplinary action)

These concerns could include (but are not limited to):

- Financial malpractice
- Failure to comply with a legal obligation
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these
- Bad practice in Safeguarding which might put children and young people at risk

The Policy Intends to safeguard individuals raising concerns:

- **Protection.** This policy is designed to offer protection from victimisation, harassment or disciplinary action to those employees of the organisation who disclose such concerns, provided the disclosure is made in good faith and is not made maliciously or for personal gain.
- **Confidentiality.** Kids Kabin will treat all such disclosures in a confidential and sensitive manner and the identity of the individual making the allegation will be kept confidential. . 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.
- **Anonymous Allegations.** Complainants may choose to remain anonymous. No attempt should be made to identify a complainant who chooses to remain anonymous. Any attempt to identify a complainant who chooses to remain anonymous may result in disciplinary action. We may be more restricted in the feedback we can offer to complainants.

~Example Feedback to Anonymous Complainant~

Thank you for raising your concern which was in relation to [insert summary of concern].

As this is an anonymous report we are restricted in the degree of feedback that we can provide, but I can confirm that your concern has been looked into and appropriate action is being taken by management.

Raising the concern

On realising malpractice or on receipt of a complaint of malpractice, the member of staff or volunteer must pass this information as soon as is reasonably possible, to one of the following people who will be the 'investigating officer':

- The Kids Kabin Manager
- One of the Independent Persons
- Paul Cowie, Kids Kabin Director

The whistleblower should make it clear that they are making their disclosure within the terms of the organisation's whistle blowing policy. This will ensure the recipient of the disclosure realises this and takes the necessary action to investigate the disclosure and to protect the whistleblower's identity.

If, at any point, an individual has a concern that they consider serious enough to involve the police, they may make direct contact.

Investigating procedure

The investigating officer should follow these steps and action should be taken as soon as possible:

1. Following a formal written disclosure, the Investigating Officer will acknowledge receipt within five working days. A letter (written by the person who receives the concern) acknowledging the concern raised and confirming that the individual should be protected from victimisation, harassment or disciplinary action and make appropriate arrangements for investigation.
2. The Investigating team will be made up of the Investigating Officer and one of the Independent Persons. If the Investigating Officer is one of the Independent Officers, the second Investigating Officer should be either the Manager or the Kids Kabin Director, however, if any of these people are implicated, then they should not be involved with the investigation. If at any point the investigating team require independent advice then the following organisations may help as a first port of call:
 - Charity Commission
 - Safeguarding Authority
 - Health and Safety Executive
 - Disclosure and Barring Service
 - ACAS
3. The individual making the disclosure may be required to attend an initial meeting in order to give further information. At any meeting during the investigation, the individual making the disclosure may be accompanied by a person of their choice.
4. If at any point in the process the person raising the concern experiences any victimisation, harassment or disciplinary action as a result of raising the concern, they should make one of the independent persons aware of this.
5. In most instances, an initial assessment of the disclosure will be carried out to determine whether there are grounds for a more detailed investigation or whether the disclosure is, for example, based on erroneous information.

6. In any event, a judgement concerning the complaint and validity of the complaint will be made by the Investigating Officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair of the Board and the Investigation team. The Chair of the Board will decide what further action to take if the complaint is shown to be justified.
7. The complainant will be kept informed of the progress of the investigations and on the conclusion of the investigation will be informed whether or not the complaint is substantiated. . They should expect to receive a first update within 2 weeks of the initial complaint disclosure. Further updates may be given every 1 to 2 weeks during the subsequent process, depending on the nature of any subsequent investigation. All responses to the complainant should be in writing and be given to them in person or sent to their home address.
8. 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 the Chair of the Board.
9. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.
10. Untrue Allegations. If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

APPENDIX 1 - Contact details

Role	Name	Email	Phone number
Manager	Will Benson	will@kidskabin.org.uk	01912953655 07896928189
Kids Kabin Director	Paul Cowie	paulcowie44@btinternet.com	07939005436
Independent person	Sarah Warren	Sarah@youthfocusne.org.uk	07903728884

APPENDIX 2 – The difference between whistle blowing and making a complaint (grievance)

Typically a complaint or grievance is personal to the complainant and involves being poorly treated, breach of employment rights or bullying. These should be handled under an employer’s complaint or grievance procedure and the complainant is expected to prove their case. Whistleblowing issues usually involve a risk to others, (e.g. customers, members of the public, or their employer) and the person blowing the whistle may not be directly, personally affected by the malpractice or wrongdoing. Additionally a whistleblower is a witness, passing on information and is not required to prove their case.

APPENDIX 3 - Statutory protection and independent advice for whistleblowers

What is the Public Interest Disclosure Act 1998 (PIDA)?

The Act was introduced to provide a framework within which workers can make disclosures that are in the public interest – while enjoying protection from victimisation. A whistleblower making a “protected disclosure” under PIDA is given statutory protection. Please note, however, that PIDA does not cover all incidences of wrongdoing in the organisation’s procedures (see what is a protected disclosure and “qualifying disclosures” below). Provided certain conditions in PIDA are satisfied, workers have a legal right not to suffer any detriment as a result of their whistle blowing and can bring a legal claim for discrimination should any detriment be suffered.

What is a qualifying disclosure?

Under the PIDA, a qualifying disclosure is any disclosure of information which – in the reasonable belief of the worker making the disclosure – tends to show that one or more of the following has been committed, is being committed or is likely to be committed:

- A criminal offence;
- A failure to comply with any legal obligation;
- A miscarriage of justice;
- The putting of someone’s health or safety in danger;
- Damage to the environment;
- Deliberate concealment of information relating to any of the above.

It is immaterial whether the information is confidential and whether the incident occurred, occurs or would occur in the UK or elsewhere and whether the law applying to it is that of the UK or of any other country or territory. A legal obligation can include a contractual or other civil obligation as well as an obligation under criminal law.

What is a protected disclosure?

Under the PIDA, a “protected disclosure” is a “qualifying disclosure”, made in accordance with the conditions in the legislation. Individuals will be able to make a protected disclosure without fear of reprisal, provided the disclosure is made in good faith.

The conditions for making a protected disclosure are less onerous if the disclosure is made internally, thereby providing the whistleblower with a greater degree of protection.

Where can I get independent advice?

Individuals can contact the independent charity Protect for free, independent and confidential advice, for example to find out what is protected by PIDA and how best to raise concerns. The charity runs a UK helpline on 02031172520