

POLICIES AND PROCEDURES

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Alternative formats: Large print (18pt) or audio (mp3) format of this document is available by emailing executiveadmin@orpheus.org.uk

Whistleblowing Policy

Policy statement

This policy sets out the way Orpheus will comply with the requirements of whistleblowing. This is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the organisation is responsible for or taken part in some wrongdoing.

Those making qualifying disclosures are protected against dismissal or detriment by the Public Interest Disclosure Act 1998.

Scope

The Orpheus Centre is committed to the highest possible standards of honesty, openness, probity and accountability. We expect the same high standards from all our people – employees, workers, contractors, agency workers and volunteers. The Orpheus Centre seeks to conduct all its affairs in a responsible manner, ensuring all activities are openly and effectively managed, and ensuring that the integrity and the principles of the public interest disclosure are sustained. In line with this commitment, we encourage all our people to come forward and voice any serious concerns they may have. People not only have the right, but also the duty to report any improper actions or omissions particularly where the welfare of vulnerable people may be at risk.

Definitions and explanation of terms

For the purposes of this policy, the following terms are defined as:

- Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Organisation is responsible for or has taken part in some wrongdoing.
- Qualifying disclosure is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more “relevant failures”.
- Relevant Failure is defined as:
 - I. that a criminal offence has been committed, is being committed or is likely to be committed,
 - II. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
 - III. that a miscarriage of justice has occurred, is occurring or is likely to occur,
 - IV. that the health or safety of any individual has been, is being or is likely to be endangered,
 - V. that the environment has been, is being or is likely to be damaged, or
 - VI. that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The qualifying disclosure becomes a “protected disclosure” if it is made to the appropriate person.

Roles and responsibilities

Chief Executive Officer

The CEO (overseen by the Chair of the Board of Trustees) shall have overall responsibility for ensuring the policy is adhered to by management and that the policy is signed off by the CEO and Trustees.

The Head of HR will ensure that adequate resources are made available to implement this policy and carry out any necessary remedial action or amendments to this policy.

Senior Managers/Departmental Managers

Senior Managers/Departmental Managers shall ensure that the policy is implemented within their department. This will include:

- Notifying new and current employees, contractors and volunteers of this policy
- Ensuring any qualifying disclosures are managed in line with this policy
- Notifying the Head of HR of any qualifying disclosures
- Ensuring anyone who raises a concern is protected from detrimental treatment because they have made a disclosure and reporting any incidences of this happening

Employees Responsibilities

All employees shall ensure that:

- They familiarise themselves with this policy
- They report any concerns to the relevant person, as outlined in this policy

Aims of Policy

The aims of this policy are to:

- provide an effective way for you to raise serious concerns
- ensure that you receive feedback on any action undertaken by us as a result of you raising serious concerns
- ensure that you will be protected from reprisals or victimisation for having raised your concern in good faith
- signpost you to further options available to you if you are dissatisfied with our response, or if internal investigation is not appropriate
- allow the Orpheus Centre to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so

Principles

Qualifying disclosures

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that you genuinely and reasonably believe is in the public interest and shows that the organisation has committed a “relevant failure” by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- environmental damage or
- concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Orpheus Centre will take any concerns that you may raise relating to the above matters very seriously.

The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be "in the public interest". We encourage you to use the procedure to raise any such concerns.

Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the Orpheus Centre's grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, i.e. it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the grievance policy.

The procedure

In the first instance you should report any concerns you may have to your line manager, or to the HR team where the concern relates to your line manager or where for any other reason it is not appropriate to make the report to your line manager. All concerns reported will be treated in the utmost confidence.

You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly. You can make your disclosure orally but written disclosures are preferable as these will make the process more efficient and effective. In your disclosure, you should:

- provide any relevant context and background, including relevant dates, venues, names etc.
- state clearly the reason why the situation causes concern

You must say that you are raising your concern using the whistleblowing policy, and whether you wish your identity to be kept confidential. While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, you will be informed of this and the reasons why it was not possible.

We will consider anonymous disclosures, but we do not encourage them as anonymity often makes it difficult to properly investigate concerns, protect employees or give feedback on outcomes.

You should always look to raise the matter with your line manager in the first instance. Where this is not appropriate because they may be involved in the alleged malpractice, wrongdoing or illegal acts

or omissions in some way, raise your concern with the HR team. In circumstances where it would be inappropriate for you to approach your manager you should raise the matter directly with the HR team. Alternatively, you may raise your concerns with the Chief Executive.

Where a concern is about the Chief Executive Officer, the Head of HR or a trustee, you should contact the Chair of the Board of Trustees. Please contact HR for contact details.

Where the concern is about the Chair of the board of Trustees, you should contact the Charity Commission at whistleblowing@charitycommission.gov.uk . You can also seek independent advice from Protect, a specialist whistleblowing charity on 0800 055 7214.

If you do not report your concerns to the Orpheus Centre, you should take them direct to the appropriate organisation or regulatory body with authority for that area.

Following receipt of a disclosure made under this policy, an investigation meeting will be held. The purpose of this meeting is to gather as much information as possible from you regarding your concerns, including whether you have any supporting evidence or can identify any witnesses.

This meeting will be held within 10 working days following receipt of the disclosure.

After this meeting, the investigation will be assigned to an investigating manager. This person will be someone from the management team or HR, who has no direct links to the disclosure and can remain impartial at all times. The investigating manager will commence a full investigation into the concerns raised. The terms of reference for the investigation will be determined and a timeline for completion will be shared with you. The investigation will aim to gather all relevant information including relevant documentary evidence or witness statements.

Once the investigation is complete, the investigation manager will write to you confirming the outcome.

Typically, the matters raised may result in one or more of the following:

- no action required
- action being taken under other Orpheus policy or procedure
- an internal investigation under this policy
- a referral to the police or relevant statutory body
- a referral to the Orpheus Centre's external auditors
- a referral to the Charity Commission
- an independent enquiry

Any line manager or senior manager receiving a potential whistleblowing concern must notify the Head of HR immediately that a concern has been raised and inform them of progress in resolving the concern.

If you are not satisfied with the explanation or outcome, you may raise the matter with the CEO, the Chair of the Board of Trustees or the appropriate official organisation or regulatory body.

Formal action

Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

Protection against detrimental treatment

Everyone who raises matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

Malicious Disclosures

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

If it is found that you have maliciously raised a matter which you know to be untrue or you are involved in any way in the malpractice, wrongdoing or illegal acts or omissions, your behaviour may be addressed through the appropriate policy, such as the disciplinary policy.