

Urban Circle Newport

Whistleblowing policy

1. Purpose and aim of the policy statement

1.1 This is an Urban Circle policy. Urban Circle are a youth development charity who use creative platforms and youth and community work to enable young people and to build, promote and sustain constructive community relationships. Urban Circle is committed to keeping participating children and adults safe and protecting them from harm. Urban Circle's Safeguarding policy sets out such practices.

1.2 Malpractice can however extend beyond safeguarding, and it is essential that any malpractice including fraud, misconduct or wrongdoing that occurs within Urban Circle is reported and responded to. The policy has been developed to demonstrate Urban Circle's commitment to the non-tolerance and elimination of malpractice and provides a clear framework to enable concerns to be raised without fear of victimisation, discrimination or disadvantage.

2. Scope of the policy statement

2.1 This policy provides trustees, staff and volunteers, freelance colleagues, consultants and occasional staff as well as children, young people and their families with the overarching principles that guide our approach to whistleblowing.

2.2 The word staff is used throughout, and this refers to all employed and/or voluntary Urban Circle representatives. This policy applies to all working at Urban Circle in any role, and all should follow it. All staff have a duty to report any malpractice.

3. Context

3.1 Whistleblowing law is located within the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998. It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or lost their job because they have 'blown the whistle'.

3.2 ACAS (2023) *Whistleblowing at work* has informed this policy.

3.3 In March 2023 the UK Government launched a review of whistleblowing laws and the accompanying framework guiding their implementation. This policy is therefore subject to any changes made through the course of this review.

4. Policy Statement

4.1 Whistleblowing is the action someone takes to report wrongdoing at work that affects others. For example, it could affect the general public. Legally this is known as *making a disclosure in the public interest*. The action of whistleblowing is sometimes called 'blowing the whistle'.

4.2 A person is a whistleblower if they are a worker who reports certain types of wrongdoing because they reasonably believe that wrongdoing is occurring or that

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someone is covering up wrongdoing. This will usually be something you've seen at work, although not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public. As a whistleblower staff are protected by law - you should not be treated unfairly or lose your job because you blow the whistle. Workers who blow the whistle are entitled to protections, which were introduced through the Public Interest Disclosure Act 1998 (PIDA).

4.3 A staff member can raise a concern at any time about an incident that happened in the past, is happening now, or that they believe will happen in the near future. Protection starts from the beginning of employment. People are still protected even if they no longer work for the employer that they are making a disclosure about.

4.4 Whistleblowing provides a route for staff to report unsafe working conditions and wrongdoing across all sectors.

4.5 The term *qualifying disclosure* is used to describe the type of wrongdoing that a member of staff may come across. It may be something that has happened, is happening or could happen in the future. It could be in relation to:

- A criminal offence
- Corruption or fraud
- Any breach of legal obligations, i.e. safeguarding children and adults at risk.
- Maladministration
- Financial irregularity and concern
- Discrimination
- A miscarriage of justice
- Any type of abuse or harassment
- Failure to comply with appropriate professional standards including health and safety
- Unsafe working practices
- Environmental damage
- Actions contrary to the Urban Circle Code of Conduct (staff)

This list is intended to illustrate the types of issues which may be raised. It is not comprehensive and other matters that fall outside this list may be considered qualifying disclosures. You can also whistleblow about someone trying to cover up information about any of these issues. You can report one or more qualifying disclosures.

4.6 By law (PIDA 1998) whistleblowers are protected from unfair dismissal and detriment. To claim protection, whistleblowers must show that they made a qualifying disclosure, i.e. shared information that is in the public interest and affects others, and that they were dismissed or suffered a detriment as a result of making the disclosure. Detriment is when someone is treated worse than before they blew the whistle and/or their situation is made worse such as reduced hours, bullying, harassment or refused training requests without good reason.

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4.7 A problem or grievance that is personal to only you are unlikely to count as being in the public interest. In these cases, you should seek resolution using the Urban Circle Code of Conduct, Grievance and/or Relationships policy.

4.8 You will not be protected when making a qualifying disclosure if you commit a criminal offence by disclosing the information, for example hacking into computer files.

4.9 Urban Circle recognises that the decision to report a concern can be a difficult one. Staff who make disclosures are entitled to receive independent advice and a list of organisations and their contact details are included at the end of this policy.

4.10 Urban Circle will not tolerate any detriment suffered by a whistleblower, and if this occurs the action may result in disciplinary action being taken against such staff who cause this detriment, regardless of the outcome of any investigation. The exception to this is when whistleblowers have acted with malicious intent.

4.11 Whilst a qualifying disclosure is expected to have substance, it is not expected that the employee raising the disclosure will need to prove it is true. All disclosures will be treated in confidence and every effort will be made to keep the identity confidential unless disclosure is required by law or should the whistle-blower need to act as a 'witness'. Any identification of a whistle-blower will only be with the consent of the individual.

4.12 A worker raises a concern anonymously if they do not give their name at all. In this case, Urban Circle will assess the anonymous information as best it can to establish whether there is substance to the concern and whether it can be addressed.

5. Process

5.1 Disclosures can be raised in several ways. You can send a letter or email including the background and reason behind the concern, whether you've already raised the concern with anyone else and their response and any relevant dates. Alternatively, you could make a disclosure to a line manager, manager, trustee or adviser in a private meeting. You could also include any relevant evidence, for example documents, photographs, videos. However, it is not your responsibility to gather evidence. As stated by ACAS (2023) "You should consider making the disclosure to your employer first. In most cases this will mean your concerns are dealt with quickly and by the best person".

5.2 Urban Circle recognises however that there may be times when staff find it difficult to disclose to their employer. By law (PIDA, 1998), Urban Circle staff can also make a whistleblowing disclosure to one of the following:

- a legal adviser
- another person who is responsible for the wrongdoing

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- a prescribed person or body, such as EWC
- any other person or body if there's a good reason to, or if it's related to an 'exceptionally serious failure' – for example, the police or media

5.3 You must also make sure your disclosure is made with *reasonable belief* and is:

- a qualifying disclosure
- in the public interest

5.4 The disclosure will be acknowledged, in writing, within 10 days of being received. The response will include information as to how Urban Circle will proceed with the investigation alongside an estimation of how long it will take etc.

5.5 Urban Circle will handle any whistleblowing complaint fairly and consistently, follow this whistleblowing policy and keep the identity of the whistleblower confidential.

5.6 A thorough investigation into allegations will be conducted. This will include evidence gathering and interviews where appropriate. Some concerns disclosed via whistleblowing may be investigated following an alternative policy such as the Urban Circle disciplinary policy and/or the Urban Circle Health and Safety policy.

5.7 The whistle-blower will be informed of the outcome of the investigation. Further actions may include, where appropriate, referral to the Police or other statutory agencies.

5.8 If the whistle-blower is unhappy with the response, outcome or process they should raise a grievance in line with the Urban Circle grievance policy.

5.9 Where the whistle-blower believes there is a need to take the matter outside the Urban Circle, they should ensure they do not disclose confidential information unless that disclosure is privileged and relevant to the concern raised. Legislation sets out several bodies to which qualifying disclosures (concerns) can be made, including, but not limited to: HM Revenue & Customs, Financial Services Authority, Office of Fair Trading, Health and Safety Executive, Environment Agency.

5.10 In the case of an emergency and if the individual believes that the malpractice must be dealt with immediately either because it concerns a health and safety issue or concerns children or vulnerable adults, immediate contact should be made to a line manager, trustee or adviser. The risk or the urgency should be explained in sufficient detail and accuracy to ensure that the person receiving the report understands what the harm or risk is and whom or what needs to be protected. The written disclosure should be completed as quickly as possible following a verbal report being made.

5.11 Throughout, Urban Circle will:

- listen to any concerns raised
- consider what evidence might be available to support the concern
- reassure the whistleblower that Urban Circle will keep their identity confidential

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- reassure the whistleblower that they will not suffer any detriment for raising concerns
- try and answer any questions the whistleblower has and explain why if Urban Circle cannot answer them.

6. Supporting documents

6.1 This policy complements others. Having interconnected policies leads to a more robust approach. This policy should therefore be read and adhered to in conjunction with other policies and documents, such as:

- Safeguarding policy
- Your job description
- Urban Circle Code of conduct
- Safer Recruitment policy
- Relationships and behaviour policy
- Managing Complaints policy
- Anti bullying policy
- Equity, Diversity and Inclusion policy
- Disciplinary policy
- Grievance policy
- Health and safety incl. adult to child ratios and all risk assessments

7. Other helpful information:

UK Government guidance	GOV.UK website: www.gov.uk/whistleblowing	
ACAS	ACAS: Call 0300 123 1100	Free support and advice. Monday-Friday: 8am-8pm and Saturday 9am-1pm.
Protect	www.protect-advice.org.uk / 020 3117 2520	Leading authority in the field.
Children's Commissioner	https://www.childcomwales.org.uk / Tel: 01792 765600	Re matters relating to the rights, welfare and interests of children in Wales.
The Information Commissioner	https://ico.org.uk / Tel: 0303 123 1113	Compliance with the requirement of legislation relating to data protection and to freedom of information.
The Health and Safety Executive.	https://www.hse.gov.uk/ Tel: 0300 003 1647. http://www.hse.gov.uk/contact/raising-your-concern.htm	

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UK Government	www.gov.uk/whistleblowing	
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8. Dates

We are committed to reviewing our policy and good practice annually. This policy statement will be implemented from 1st April 2024. It does not replace any other policy. This policy will be reviewed before 1st April 2025.

Signed: Loren Henry



Date: 01 April 2024