

**WHISTLEBLOWING POLICY**

**1. Objective**

1.1 YMCA Essex is committed to the highest standards of quality, integrity, openness and accountability. Through teamwork and good, open channels of communication we welcome and value the contributions of all to the success of our work. We want to be seen to act at all times in full accordance with our Mission and Values, and to operate transparently in the interests of the children, young people and families we seek to serve.

1.2 The objective of this policy is to provide appropriately for making and responding to both internal and external disclosures about concerns people may have regarding the services and activities of YMCA Essex (generally known as ‘whistleblowing’). The implementation of this policy will be consistent with our Articles of Association and all other relevant policies of YMCA Essex and in accordance with all current legal and statutory requirements.

1.3 YMCA Essex fully embraces the intentions and requirements of the Public Interest Disclosure Act 1998. The Act seeks to provide people who have legitimate concerns about inappropriate actions or behaviour by others with an opportunity to raise those concerns where it is in the public interest to do so, and to have them investigated in a way which is effective and sensitive to the circumstances of the case, without resulting in adverse consequences for the person making the disclosure.

1.4 Further Government guidance about whistleblowing for employees and employers can be found online at:

*www.gov.uk/whistleblowing*

*www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers*

**2. Policy**

2.1 We recognise that there may be occasions where a member of staff, a volunteer, a service user, or a member of the public, has a concern about inappropriate actions or behaviour by staff or volunteers working for YMCA. Such concerns could include:

* fraud, corruption or malpractice
* health and safety
* damage to the environment
* abuse or neglect of any kind
* failure to deliver proper standards of service
* failure to comply with a legal obligation
* damaging personal conflicts
* bullying, discrimination, harassment or victimisation
* criminal activity
* failure to comply with a relevant code of conduct
* behaviour which could damage the reputation of the YMCA
* attempts to conceal any of the above.

2.2 The Board and the Chief Executive of YMCA Essex will always take such concerns very seriously. We will ensure that they are thoroughly investigated and that any appropriate remedial action is taken.

2.3 We encourage anyone having such concerns to inform the Chief Executive or Chair of YMCA Essex at the earliest opportunity, so that they can be addressed as soon as possible (an ‘internal disclosure’). We also tell people how they can raise their concerns with someone independent of YMCA Essex (an ‘external disclosure’).

2.4 We will treat all disclosures in strict confidence, unless the information needs to be shared because of a legal obligation or a serious risk to someone’s safety. We will do everything possible to ensure that there are no adverse consequences for the person who is whistleblowing. We will keep them informed of the progress of the investigation and the outcome.

2.5 If someone chooses to make a disclosure anonymously, we will investigate and act upon it in exactly the same way, although this may affect the ability to investigate fully.

2.6 We are committed to creating a culture of awareness and trust, where people are encouraged to raise any public interest concerns with us, and feel confident that we will treat them seriously and sensitively, without adverse consequences for those who are whistleblowing; and where people know how they can raise their concerns, simply and effectively.

**3. Making a Whistleblowing Disclosure**

3.1 Reporting of a concern is referred to in the legislation as a ‘disclosure’. An ‘internal disclosure’ is a concern reported to the Chief Executive or the Chair of the Board as set out below. Reports may be made orally or in writing. Any correspondence should be in an envelope clearly marked ***‘Strictly Private and Confidential – Addressee Only’****.*

3.2 In the first instance, concerns should normally be reported to the Chief Executive. The address and telephone number of the Chief Executive are:

Andy Drake, *Chief Executive, YMCA Essex, Victoria Road, Chelmsford CM1 1NZ*

*Telephone 01245 355677* *Mobile: 07766 315136*

If for any reason someone does not wish to inform the Chief Executive of their concern (for example if the Chief Executive is involved) then it can be reported to the Chair of the Board, whose address and telephone number are:

Mike Bromfield, *Chair of the Board, YMCA Essex, Victoria Road, Chelmsford CM1 1NZ*

*Mobile: 07931 205135*

3.3 If someone does not wish to report their concern to YMCA Essex, or is dissatisfied with how YMCA Essex has responded to their disclosure, they can report it directly to the Chief Executive of YMCA England and Wales:

Denise Hatton, *The Chief Executive, YMCA England and Wales,*

*10-11 Charterhouse Square, London EC1M 6EH*

*020 7186 9500 – ask for the Chief Executive*

3.4 The Charity Commission has a dedicated whistleblowing email address to which people can report their concerns in writing:

*whistleblowing@charitycommission.gsi.gov.uk*

3.5 A disclosure may also be made to one of the ‘Prescribed Bodies’ designated by the Government for this purpose. The Government’s List of Prescribed Bodies can be found online at:

*www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies*

3.6 If a YMCA Essex Board Member wishes to make a disclosure, they are recommended to speak or write to the Chair of the Board. Alternatively they may wish to report to a Vice Chair, the Chief Executive, or one of the external bodies in paragraphs 3.3 – 3.5 above.

**4. Procedure for Internal Disclosures**

4.1 After receiving an internal whistleblowing disclosure, the Chief Executive or the Chair of the Board will either appoint a suitable Investigating Officer, or will decide to be the Investigating Officer himself or herself.

4.2 Unless the disclosure is made anonymously, the person who reports a

concern (the whistleblower) will need to be available to answer questions and to clarify the issues around the concern with the Investigating Officer. Within 10 days of receipt of the disclosure, the Investigating Officer will send a written acknowledgement of the concern to the whistleblower and will, upon request, provide them with a summary of their concern in writing.

4.3 The Investigating Officer will decide how to approach the investigation according to the circumstances being reported. They will first seek to establish the facts promptly, taking into account the evidence of any available witnesses. In some cases it will be appropriate to gather evidence from or contact other sources, for example the external auditors, the police or the local authority for expert advice.

4.4 Due to the varied nature of such disclosures, which may involve internal investigators, the police and/or other statutory agencies, it is not possible to lay down precise timescales for such investigations. The Investigating Officer will ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. He/she will advise the whistleblower of the likely timescale for the investigation, and keep them informed of progress periodically, and report back to them in writing on the outcome of the investigation and on the action that is proposed. However if they become concerned about the lapse of time or lack of progress, they may contact the Investigating Officer again for further discussion and feedback.

4.5 Care will be taken to keep complete and accurate written records of the investigation:

* Copies of all relevant correspondence will be retained.
* Copies of records of all interviews or meetings will be retained.
* All written documents will be posted to an agreed address and marked *‘Strictly Private and Confidential – Addressee Only’*.
* All telephone conversations will be logged giving time, date, duration and content.
* All computerised information will be held in a protected area on the computer.
* All information will be stored in accordance with the requirements of the Data Protection Act.

4.6 If at any stage the whistleblower is not satisfied that their concern is being properly dealt with by the Investigating Officer, they can raise this in confidence with the Chief Executive or the Chair of the Board.

**5. After the Investigation**

5.1 Only when the Investigating Officer has completed the investigation of the alleged concerns reported, taking into account all the circumstances prevailing at the time, will the decision be taken whether or not to act on the concern, by the Chief Executive or the Board as appropriate. If the allegation is found to be true, action will be taken in a manner appropriate to the concern reported to prevent the problem continuing and/or recurring, and this may involve an outside agency.

5.2 A whistleblower who reports a concern will be protected in accordance with the legislation. However if the investigation shows that the whistleblower has been involved in the matter reported, they will be subject to the appropriate action for their part in that matter, although their co-operation will be taken into consideration.

5.3 If a whistleblower makes an allegation in good faith and with good reason, which is not confirmed by subsequent investigation, no action whatsoever will be taken against them.

5.4 If internal investigations find the allegations unsubstantiated and all internal procedures have been exhausted, but the whistleblower is not satisfied with the outcome, YMCA Essex recognises the lawful rights of the whistleblower to make further disclosures to external bodies.

5.5 All allegations are taken seriously. Allegations which are subsequently found to be malicious or deliberately false could lead to disciplinary or other sanctions.