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Whistleblowing

(Public Interest Disclosure)

Policy

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**1. Purpose**

1.1 All organisations face the risk of things going wrong or of unknowingly harbouring wrongdoing. Yellow Brick Road Projects believes it has a duty to identify such situations and take the appropriate measures to remedy the situation. You are therefore encouraged to report any wrongdoing by Yellow Brick Road Projects or its employees, Trustees or volunteers that you believe has occurred, is occurring, or is likely to occur. By encouraging a culture of openness to raising legitimate concerns within our organisation, Yellow Brick Road Projects believes it can help prevent malpractice.

1.2 The procedure below should be used if there is anything you think Yellow Brick Road Projects should know about, which may include or lead to:

* a criminal offence
* corruption or bribery
* miscarriage of justice
* health and safety danger
* environmental risk
* failure to comply with legal obligations which could include breach
* of any of Yellow Brick Road Projects’ policies and procedures which are designed
* to ensure compliance with its legal obligations, such as the protection of personal data of staff or customers through its Confidentiality, Privacy and Data Protection Policy
* concealment of any of the above

1.3 This policy is separate from Yellow Brick Road Projects’ **Policy on dealing with compliments, comments, and complaints** If you have a complaint about your own personal circumstances, you should use the Grievance Procedure. If you have a non-work-related complaint not covered by paragraph

1.2 you should use the Complaints Policy. If you have concerns about wrongdoing within Yellow Brick Road Projects covered in 1.2 you should use the procedure outlined in this policy. If you are not sure which procedure to use

1.4 By knowing about malpractice at an early-stage Yellow Brick Road Projects stands a good chance of taking the necessary steps to safeguard the interests of all employees and protect the organisation.

1.5 Provided you reasonably believe the information you disclose is in the public interest and shows wrongdoing, it will not normally matter if you are mistaken. The law protects workers who have reported such wrongdoing from reprisals by their employer (or its agents) or their colleagues.

1.6 Employees should be aware that they can be held personally liable as well as, or instead of, Yellow Brick Road Projects for the detrimental treatment of someone who has reported wrongdoing. Yellow Brick Road Projects will not tolerate reprisals of any kind, and such behaviour will be dealt with under Yellow Brick Road Projec’’s Disciplinary Procedure. Examples of detrimental treatment include:

* Bullying
* Harassment
* Threatening & Intimidating behaviour
* Side-lining
* Singling out
* Unjustifiably disciplining an employee because they have reported.
* wrongdoing or invoked this procedure.

1.7 Neither this policy nor any part of it is intended to have a contractual effect.

**2. Aim**

2.1 We recognise that you may not always feel comfortable about discussing your concerns internally, especially if you believe Yellow Brick Road Projects itself is responsible for the wrongdoing. The Public Interest Disclosure Act 1998 provides statutory protection for employees and other workers who report wrongdoing within the workplace (commonly called “whistleblowers”).

2.2 The aim of this policy is therefore to ensure that all employees are confident that they can raise any matter with Yellow Brick Road Projects that concerns them, in the knowledge that:

* it will be taken seriously
* it will be treated as confidential where requested
* that no action will be taken against them

**3. Procedure**

3.1 If appropriate you can first discuss the matter with a member of the HR team. At this stage, if you specifically request it, the matter will be treated as completely confidential and will not result in any report to anyone within Yellow Brick Road Projects unless you agree or unless required by law. However, with your permission, the HR team member will speak to the CEO/Manager and agree a course of action.

3.2 If you feel you cannot tell a member of the HR team, for whatever reason, please raise the matter with the Chief Executive.

3.3 If you are unwilling for the matter to be referred to anyone within Yellow Brick Road Projects, or if the matter concerns the Chief Executive, the matter should be referred to our Trustee Board to investigate and take action. Referral to the Trustee Board should be made to the Trustee Board representatives in these matters by email or via mail WRVS Bentall Place, Suffolk Road, Andover, SP10 2JD clearly marking the envelope ‘Private and Confidential’.

3.4 You are encouraged wherever possible to agree to the matter being passed on to the appropriate people so that it may be properly dealt with. Please be aware that even if the person you tell agrees to confidentiality, others may try to deduce your identity and may potentially assume you are responsible for a disclosure if, for example, you have previously discussed your concerns with colleagues.

3.5 After you have raised your concerns, Yellow Brick Road Projects will decide how to respond in a responsible and appropriate manner under this policy. Yellow Brick Road Projects will also inform any relevant prime contractor of the Whistleblowing concern. If the matter requires further investigation (whether formal or informal) an investigation will be carried out and you will be informed of its outcome and what, if any, action has been taken. However, Yellow Brick Road Projects will not be able to inform you of any matters which would infringe the duty of confidentiality owed to others.

3.6 If you remain unhappy with the speed or conduct of the investigation or the way in which the matter has been resolved, you should refer the matter to the Chief Executive (or the Whistleblowing Trustee, if the matter you have raised concerns the Chief Executive). They will tell you the result when they have investigated the matter and what, if any action has been taken, again subject to the confidentiality owed to others. If you are still not satisfied, you should refer the matter to the Chair of the Board of Trustees.

3.7 Yellow Brick Road Projects gives its assurance that no worker who makes a genuine report under this procedure will be subjected to any detriment by Yellow Brick Road Projects as a result. If you believe you are being subjected to a detriment by any person within Yellow Brick Road Projects as a result of your decision to invoke the procedure you must inform the Chief Executive immediately and appropriate action will be taken to protect you from any reprisals.

3.8 Any employee who, after investigation, is thought to be guilty of threats or reprisals against a colleague who has disclosed wrongdoing or invoked this procedure will be subject to Yellow Brick Road Projects’ Disciplinary Procedure. Such behaviour may be regarded as gross misconduct.

3.9 If it should become clear that false allegations have been made for purely malicious reasons or to pursue a personal grudge against another employee, this could constitute misconduct and in appropriate cases will be dealt with in accordance with the terms of Yellow Brick Road Projects’ Disciplinary Procedure.

3.10 There may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary Yellow Brick Road Projects reserves the right to make a referral without your consent.

3.11 Yellow Brick Road Projects would expect that in almost all cases, raising your concerns internally would be the most appropriate action for you to take. However, if you feel you cannot raise your concerns internally, and you honestly and reasonably believe the information and any allegations are true, you should consider raising the matter with the appropriate recognised regulator, for example Ofsted or the Fundraising Regulator. Details of the relevant regulator can be obtained from Public Concern at Work (PCAW), an independent charity which aims to promote compliance with the law and good practice ([www.pcaw.co.uk](http://www.pcaw.co.uk)).

3.12 If you have any queries about raising your concerns which you feel you cannot ask internally, PCAW also operates a helpline where you can confidentially discuss whether and how best to raise your concerns, details of which are available on the website. If you contact the helpline please ensure they are aware of the contents of this organisational policy.

**4. Data Protection**

4.1 Where you report alleged wrongdoing under this policy, Yellow Brick Road Projects’ employees that you report it to will, on Yellow Brick Road Projects’ behalf, be collecting, holding and using (“processing”) information and evidence relevant to that allegation of wrongdoing. This could include personal information about you (and in certain circumstances “special categories” of information) both of which are regulated by data protection laws. Please refer to Yellow Brick Road Projects Staff Privacy Notice for further information generally on the types of information Yellow Brick Road Projects holds about you and why, the lawful basis for keeping the information, how long Yellow Brick Road Projects holds the information for, and your rights in relation to that information.

4.2 Where it does so, Yellow Brick Road Projects’ lawful reason for processing this information under this policy is that it is necessary:

* For compliance with Yellow Brick Road Projects’ legal obligations – not only in relation to any alleged breach of a legal duty, but legal obligations to provide a safe, supportive, and lawful environment to protect workers who make public interest disclosures.
* For the performance of a task carried out in the public interest, for example, the prevention of unlawful acts, or protecting the public against dishonesty, subject to additional conditions Yellow Brick Road Projects must comply with under the Data Protection Act 2018.
* For Yellow Brick Road Projects’ legitimate interests to ensure that Yellow Brick Road Projects is complying with its legal and ethical obligations in ensuring the proper detection, prevention, reduction or elimination, and handling of any wrongdoing. It may also be necessary for the Yellow Brick Road Projects’ legitimate interests in establishing or defending any legal claims which might arise out of any concerns raised.

4.3 Where special categories of information are concerned, Yellow Brick Road Projects’ lawful reasons for processing this information (in addition to the lawful reasons for generally processing personal information set out in 4.2) are that it is necessary:

* For the purposes of obligations or rights imposed or conferred by law on Yellow Brick Road Projects or on you in connection with your employment (in particular with regard to the statutory protection of workers who make public interest disclosures) and in accordance with Yellow Brick Road Projects’ policy on processing special categories of information.
* For the establishment or defence of legal claims which might arise out of the alleged wrongdoing of other or the way workers are treated having raised concerns under this policy.

4.4 Depending on the circumstances there may be additional lawful reasons for processing the information.

4.5 The information will be retained for so long as it is considered necessary, even if no action is taken. This will depend on the nature of the allegations and the outcome of the whistleblowing procedure.

5. **Links with Other Policies**

* Grievance Policy and Procedure
* Complaints Policy
* Disciplinary Policy & Procedure
* Code of Conduct
* Health and Safety Policy
* Safeguarding Policy
* Bullying & Harassment Policy