



# KIDS Whistleblowing Policy and Procedures

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**Policy Lead: Chief Executive**

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# KIDS Whistleblowing Policy and Procedures

## 1. Purpose and Context

This policy describes KIDS' responsibilities in the event of a person or persons taking a course of action known as 'Whistleblowing'.

Our aim is to ensure staff members feel comfortable raising concerns both within and outside of KIDS where they genuinely believe or suspect a wrongdoing is occurring within the charity.

This policy and procedure is intended to assist staff members in how to report genuine concerns, whilst explaining how they will be dealt with, along with the confidentiality and protection provided to them.

## 2. Scope

This policy is relevant to and should be followed by all KIDS staff. (Please refer to Definitions for further explanation of Staff).

## 3. Definitions

Under certain circumstances, staff have legal protection if they make disclosures about organisations for whom they work. They are commonly referred to as 'whistleblowers'.

This disclosure of information which relates to suspected wrongdoing or dangers at work may include:

- a) criminal activity;
- b) failure to comply with any legal [or professional] obligation [or regulatory requirements];
- c) danger to health and safety;
- d) damage to the environment;
- e) bribery [under our Bribery Act Policy and Procedure];
- f) financial fraud or mismanagement;
- g) the deliberate concealment of any of the above matters.

This is not an exhaustive list.

A relevant example may be where an individual believes that some form of malpractice is taking place.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to a concern that has happened, is happening, or is likely to happen.

**Staff:** The term includes employees, sessional workers and agency workers. This is also extended to independent contractors who are undertaking direct work with KIDS.

## **4. General Policy**

There are times when individuals have concerns about things that are happening at work. Concerns may include suspected wrongdoing, unlawful conduct, financial malpractice or dangers to the public.

If you are uncertain whether something is within the scope of this policy you can seek advice from your Line Manager, your line manager's manager, HR, or if applicable, your Trade Union, or Public Concern at Work, who offer a confidential helpline. Their contact details are in section 6.1.

### **4.1 KIDS Personal Conduct Policy for Staff**

KIDS Personal Conduct Policy for Staff expresses the values and standards of behaviour which KIDS expects from all staff members and anyone who works with the charity either directly or indirectly. All staff members should familiarise themselves with this policy and ensure they adhere to their responsibilities as laid out in the policy.

### **4.2 Protection**

The Public Interest Disclosure Act 1998 gives protection to employees, workers, agency workers and contractors (it does not cover volunteers or trustees) and prevents them from suffering a detriment, including victimisation by an organisation or by colleagues, or termination of employment for 'whistle-blowing'.

KIDS and the Chief Executive take very seriously concerns which whistle-blowers may raise under this legislation. If a staff member raises a genuine concern under this policy, they will not be at risk of losing their job or suffering any form of retribution as a result. It does not matter if they are mistaken.

If a staff member believes that they have suffered any such treatment they should inform their line manager, or managers' manager. If the matter is not remedied, employees should raise it formally using KIDS grievance policy and procedure.

If, however we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action (up to and including summary dismissal, or in the case of workers, agency workers and contractors, their contract with KIDS may be terminated).

Similarly, if staff members do not follow the procedure set out, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g., contacting the media) could result in disciplinary action being taken, which may include summary dismissal, or in the case of workers, agency workers and contractors, their contract with KIDS may be terminated.

Staff members must not threaten, retaliate or bully/harass whistle-blowers in any way. Anyone involved in such conduct may be subject to disciplinary action, which may include summary dismissal, or in the case of workers, agency workers and contractors, their contract with KIDS may be terminated.

## **5. Roles and Responsibilities**

Please also refer to Appendices 1 and 2 of this policy.

Training on this policy and procedure will be given during induction and updated through line manager briefings.

Failure to comply with this policy may lead to disciplinary action which could include summary dismissal or as grounds to terminate your contract with KIDS.

## **6. Procedures**

### **6.1 How to report a concern**

If a staff member has a concern, we hope that they will feel able to raise it with their line manager, either face to face or in writing, who will treat the matter with complete confidence.

In most cases, their line manager will be the most appropriate person to talk to about their concerns. However, if they can't raise the issue with their manager, no action has resulted from them doing this, or if the concern involves their line manager, they should speak to their line manager's manager and advise that the concern is being made in confidence.

KIDS would encourage anyone who wishes to raise a whistle-blowing concern to raise with the relevant member of KIDS staff before contacting any external organisations or bodies.

Where a whistle-blower has exhausted these options and is not satisfied with the explanation or reason given to them, they should raise the matter with the appropriate organisation or body (see appendix 3 for more information).

In doing this they should:

- Have a reasonable belief that the allegation is based on correct facts
- Make the disclosure to a relevant body

- Have a reasonable belief it is in the public interest to make the disclosure

This policy does not relate to complaints relating to personal circumstances, such as the way individuals have been treated at work. In those cases, they should use the appropriate HR Policy (for example, KIDS Grievance Policy and Procedure).

We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work operates a confidential helpline. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The confidential helpline contact details are:

**Helpline:** +44 203117 2520

**E-mail:** [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

**Website:** [www.pcaaw.co.uk](http://www.pcaaw.co.uk)

## 6.2 Contacting the media

The media is not a relevant external body. Whistle-blowers should not contact the media with allegations about KIDS, except in extraordinary circumstances where neither contacting KIDS, nor the relevant regulatory body would be appropriate.

## 6.3 Dealing with Concerns

On receipt of a concern, KIDS will:

1. Undertake an initial assessment to determine appropriate action. This may be an internal inquiry or a more formal investigation. We will inform you of the outcome of the initial assessment.
2. Arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
3. Take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

Where an individual has raised a whistle-blowing concern, if it is felt that the concern falls within the remit of a grievance procedure, they will be advised.

## 6.4 Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

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We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.

Whistle blowers who are concerned about possible reprisals if their identity is revealed should raise their concerns with their line manager, managers' manager, or in the case of non-staff members the relevant member of KIDS staff, or Public Concern at Work, and appropriate measures can be taken to preserve confidentiality.

## **6.5 How to report a concern, comment or complaint if outside the scope of KIDS Whistleblowing Policy and Procedure**

### **6.5.1 Volunteers and Trustees**

Although the Public Disclosure Act does not cover volunteers and Trustees, we would encourage them to report any genuine disclosures to KIDS. We will adapt the above process and procedure to deal with any disclosures appropriately.

### **6.5.2 Other individuals outside the scope of the Policy**

Any other individuals outside the scope of the Policy (e.g., children and young people in receipt of KIDS services, their parent/carer or legal guardian, commissioners of KIDS services and independent contractors who are undertaking direct work with children on behalf of KIDS) should refer to the following KIDS Policies and Procedures should they wish to report a concern, comment or complaint:

- KIDS Compliments, Comments and Complaints Policy and Procedure
- KIDS Safeguarding Adults Policy and Procedure
- KIDS Safeguarding and Child Protection Policy and Procedure
- Data Protection Breach Reporting Policy and Procedures

## **7. References**

### **7.1 Legislation, regulations and national guidance**

- The Public Interest Disclosure Act 1998
- The Charity Commission. Protecting charities from harm: compliance toolkit
- The Charity Commission. How to report a serious incident in your charity

### **7.2 Associated documents and guidance**

- KIDS Grievance Policy and Procedure
- KIDS Anti-Bullying & Harassment Policy and Procedure
- KIDS Personal Conduct Policy for Staff
- KIDS Fraud Policy and Procedure
- KIDS Gifts and Gratuities Policy
- KIDS Bribery Act Policy and Procedure
- KIDS Comments and Complaints Policy and Procedure
- KIDS Safeguarding Adults Policy and Procedure
- KIDS Safeguarding and Child Protection Policy and Procedure

## 8. Document Control Information

### 8.1 Impact assessment

In the design or review of this policy, consideration has been given to any negative impact upon practice relating to General Data Protection Regulations (GDPR), Equal Opportunities and Safeguarding. This policy has not been found to cause a negative impact in these areas. A copy of the impact assessment is retained for this review cycle.

### 8.2 Review cycle

This policy will be reviewed every two years in accordance with relevant legislation, regulations, national guidance, good practice and stakeholder feedback. Material changes in legislation, regulations or national guidance will lead to an earlier review and update.

### 8.3 Document history

Version	Date	Amendments	Page
3.1	November 2022	Review date amended in line with new Board requirement from March 2024 to February 2024. No change to content. Uploaded 23.11.2022	
3	March 2022	Review. Uploaded 04.04.22 3. Para 1 use of 'staff' in place of list. Tightened up definitions. 4. Redraft to explain support options 4.1 3 <sup>rd</sup> para amended to remove reference to PCW. 4 <sup>th</sup> para redrafted to condense content. 6.1 Final para redrafted to clarify advice to be sought. 6.3 Process rewritten to update. 6.4 Paras 1 and 2 redrafted to be concise. 6.5 Redraft to include process for differing groups. A1 'genuine' added to bullet 4. A2 'internal' replaces external.	2 3 3 4 5 5 5 9 10



2		<p>New template</p> <p>Moved sections 'Personal Conduct Policy for Staff' and 'Protection' to sit under General Policy Heading</p> <p>Separated content under 'Policy and Procedure' heading to sit under 'General Policy' and 'Procedure' headings</p> <p>Amended policy references to include both KIDS Safeguarding policies</p> <p>Changed Appendix 2 reference to correct title</p> <p>Removal of reference to Audit Controller and replacement with National Audit Office. Change of number and address for HSE.</p> <p>Update of all contact details</p> <p>Addition of sentence referencing correct information date</p>	
1.1		Previous version	

## 9. Appendices

Appendix 1 – Managers' responsibilities

Appendix 2 – Whistleblowers' responsibilities

Appendix 3 - Whistle-blowing external contacts

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KIDS is happy for other organisations to copy all or part of our policies, provided there is an acknowledgement on the other organisation's policy that this has been done, together with the KIDS web address so the reader can locate the original policy.

For further information on the issues raised in this document, email [enquiries@kids.org.uk](mailto:enquiries@kids.org.uk)

KIDS is a registered charity in England and Wales, no. 275936, and a company limited by guarantee no. 1346252

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[www.kids.org.uk](http://www.kids.org.uk)

## 9.1 Appendix 1 Managers' Responsibilities

- Ensuring that all staff members working in their department are made aware of this policy and the Personal Conduct Policy for staff
- Creating an environment in which it is easy to discuss any concerns
- Taking seriously any genuine concern that is raised
- Dealing sensitively with anyone who raises a concern
- Making Human Resources aware of any concerns raised in a timely manner
- Investigating concerns thoroughly and making an objective assessment of the concern
- Seeking advice from Human Resources when necessary
- Keeping the whistle blower advised of progress, as appropriate
- Taking any appropriate action as a result of the concern

## 9.2 Appendix 2 Whistleblowers' Responsibilities

- Raising any genuine concern, you may have as quickly as possible
- Seeking advice if you are not sure whether your concern is within the scope of the policy
- Understanding KIDS Personal Conduct Policy for staff and the values and standards KIDS require of its staff members (Staff members only)
- Where internal options have been exhausted, raise with the appropriate organisation or body (see Appendix 3)
- Use the correct procedure (e.g., Grievance Policy and Procedure) where the complaint relates to personal circumstances

## 9.3 Appendix 3 Whistleblowing external contacts

The information on this page was checked and correct at April 2020

This policy is intended to provide staff members with an opportunity to raise concerns within KIDS and to give them the reassurance needed to raise such matters internally. If they are not and they feel it is right to take matters outside the charity the following are possible contact points.

If the individual decides to blow the whistle to a prescribed person rather their employer, they must make sure they select the correct person or body.

A **prescribed person** is 'someone a worker may approach outside their workplace to report suspected or actual wrongdoing.' (National Audit Office)

### Comptroller & Auditor General as a prescribed person

[Source: National Audit Office]

The Comptroller and Auditor General as a prescribed person may investigate disclosures relating to government departments and other public sector bodies. It may refer concerns relating to local authorities to the relevant external auditor.

Website: <https://www.nao.org.uk/contact-us/whistleblowing-disclosures>  
Telephone: 020 7798 7999  
Address: The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London SW1W 9SP

### Relevant Professional Bodies or Regulatory Organisations

The following are provided as examples:

#### The Health & Safety Executive (HSE)

To report matters that may affect the health or safety of any individual at work OR matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work. Please see the HSE website to determine if they are the appropriate authority to report concerns to:

Website: <http://www.hse.gov.uk/contact/concerns.htm>  
Telephone: 0300 003 1647  
Address: HSE Head Office: Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

#### The Environment Agency

To report acts or omissions that have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout, you can call the general helpline.

Website: <https://www.gov.uk/report-an-environmental-incident>  
Telephone: 0800 80 70 60

### **Health and Care Professions Council (formerly General Social Care Council)**

The council's purpose is to monitor the professional behaviour of those social care workers/professionals registered under their guidelines. There is comprehensive information regarding how to complain on their website.

Website: <https://www.hcpc-uk.org/concerns/raising-concerns/>

Telephone: 44(0)300 500 6184

### **Information Commissioner**

To report matters about compliance with the requirements of legislation relating to data protection and to freedom of information. Further information about how to complain is available on their website:

Website: <https://ico.org.uk/concerns/>

Telephone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

### **Ofsted**

The Office for Standards in Education, Children Services and Skills – for matters relating to the provision of regulated education services (e.g. Early Years nursery provision) and social care services. Whistleblowing information can be viewed at:

Website: <https://www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted/sharing-concerns-and-information-with-ofsted-about-childrens-social-care-services>

Telephone: 0300 123 3155

Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

### **Care Quality Commission (CQC)**

Staff can contact CQC if they wish to make a concern about a social care professional or provider that they work for (e.g. regulated services provided by KIDS). There is comprehensive information on the website about how to make a confidential complaint.

Website: <http://www.cqc.org.uk/contact-us>

Address: CQC, Citygate, Gallowgate, Newcastle Upon Tyne NE1 4PA

Telephone: 03000 616161

Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

### **Charity Commission**

Regulator of charities in the UK – please view their guidance about making complaints here:

<https://www.gov.uk/government/publications/complaints-about-charities>

**The Pensions Regulator (formerly OPRA)**

To report matters relating to occupational pension schemes and other private pension arrangements, contact:

Website: <http://www.thepensionsregulator.gov.uk/contact-us.aspx>

Address: The Information Team, The Pensions Regulator, Napier House, Trafalgar Place, Brighton BN1 4DW Tel: 0345 600 7060

Email: [wb@tpr.gov.uk](mailto:wb@tpr.gov.uk)