



Whistleblowing (Public Interest Disclosure) Policy

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Version I	20.02.08			Approved	
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Children in Wales

Whistleblowing (Public Interest Disclosure) Policy

1.0 General statement

- 1.1 Children in Wales (CIW) is committed to the highest standards of openness, probity and accountability, and seeks to conduct its affairs in an appropriate manner. Staff are encouraged to follow the Nolan Principles as a code of conduct and this is embedded in the induction procedures for new staff. A system of regular supervision, appraisal and staff meetings encourages and enables dialogue between managers and staff. Children in Wales follows the PQASSO scheme (quality assurance for third sector organisations) and adheres to the scheme's best practice guidance. Children in Wales is working towards the PQASSO quality mark.
- 1.2 This policy is designed to provide guidance where an employee, Trustee, associate or partner discovers information which they believe shows malpractice or wrongdoing within the organisation.
- 1.3 This policy provides information about legal protection for employees as a result of The Public Interest Disclosure Act 1998. This policy also refers to changes made to the Public Interest Disclosure Act 1998 which are found in the Enterprise and Regulatory Reform Act 2013.

2.0 Principles

- 2.1 This policy is designed to provide a safe, fair and effective procedure to enable concerns about the organisation's operation to be raised in a manner that protects individuals against bullying or victimisation.
- 2.2 Employees are protected in law against unfair dismissal or victimisation as a result of making a protected disclosure, i.e. a disclosure that is in the public interest.
- 2.3 This policy is not designed or intended to replace, or be used as an alternative to the CIW Grievance Procedure. An employee who is aggrieved about his or her own situation should utilise the Grievance Procedure.

3.0 Scope of Policy

- 3.1 This policy has been designed to guide individuals who wish to raise concerns or to disclose information about the organisation or its activities which may be in the public interest and which relate to:

- 3.1.1 a criminal offence;

- 3.1.2 the breach of a legal obligation;
- 3.1.3 a miscarriage of justice;
- 3.1.4 a danger to the health and safety of any individual;
- 3.1.5 danger to the environment; or
- 3.1.6 information tending to show any of the above is being deliberately concealed

3.2 This policy relates to all employees of the organisation, Trustees, associates and partners in the context of their work for and on behalf of Children in Wales. It also relates to agency staff whilst they are engaged on work for CIW.

4.0 **Related Policies**

Complaints Policy
Disciplinary Procedure
Grievance Procedure
Harassment at Work Policy
Safeguarding Adults at Risk Policy
Safeguarding Children Policy

5.0 **Guidance**

5.1 **Procedure for making a Disclosure - Employees**

- 5.1.1 Employees wishing to make a disclosure should report in the first instance to their line manager who will treat the matter in strict confidence. If, because of the nature of the disclosure, the employee does not feel comfortable making a disclosure to their line manager, the report should be made to the Chief Executive or Chair/Vice Chair of the Trustee Board as appropriate. CIW will treat all disclosures as confidential and in a sensitive manner.
- 5.1.2 Any employee making a disclosure will receive an acknowledgement in writing from CIW and a timeline will be set out giving details of any investigation.
- 5.1.3 The identity of the employee making the allegation will be kept confidential. However, it is likely that an investigation will be necessary and the employee making the disclosure may be required to attend a disciplinary or other hearing as a witness. CIW will take appropriate measures to ensure that the employee's working environment and/or working relationships are not prejudiced by the fact of the disclosure. The employee will be consulted at all stages throughout any investigation.
- 5.1.4 A report of all disclosures and related actions will be kept confidentially for a period of three years.

5.1.5 Employees may also report concerns about certain categories of serious wrongdoing directly to the Charity Commission. Details of this can be found at the Charity Commission website at <https://www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees>

5.1.6 **Malicious allegations**

In the event of malicious allegations, disciplinary action may be taken against the employee.

5.2 Procedure for making a Disclosure – Trustees

5.2.1 The Charity Commission requires charities to report serious incidents. A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- loss of Children in Wales' money or assets
- damage to Children in Wales' property
- harm to Children in Wales' work, beneficiaries or reputation

5.2.2 If a serious incident takes place, Trustees need to report to the Charity Commission what happened and explain how it is being dealt with. This is in addition to any reports that may have been made to the police, donors or another regulator.

5.2.3 The responsibility for reporting serious incidents to the Charity Commission rests with the organisation's Trustees. In practice, this may be delegated to someone else within the organisation, such as an employee or the charity's professional advisers.

5.2.4 If an incident is being reported by a Trustee, that Trustee needs to confirm that they have authority to report on behalf of the Trustee body. If the incident is reported by someone other than a Trustee, they should declare who they are, their relationship with the charity and confirm that they have the authority of Trustees to report it.

5.2.5 Any Trustee who finds an incident that they believe should be reported should, in the first instance, contact the Chair of the Trustee Board or the Vice Chair or Treasurer if the Chair is not available or if the incident relates to the Chair.

5.2.6 The Chair (or Vice Chair or Treasurer) will be responsible to ensure the correct reports of the incident are made and that the Trustee Board is notified of the progress and actions to be taken in relation to the report. The Chair will also ensure that the Chief Executive (or Corporate Management Team) is briefed about the incident and that an appropriate plan is prepared to alleviate risk to the organisation's assets and reputation.

5.2.7 The Charity Commission requires the following details when making a serious incident report:

- who you are and your connection to the charity
- the authority you have to report on behalf of the charity's Trustees
- who in the Trustee body is aware of the incident, for example all or only the Chair
- what happened and when the charity first became aware of it
- action being taken to deal with the incident and prevent future problems
- whether and when it was reported to the police or another regulator/ statutory agency (including official reference numbers)
- media handling lines you may have prepared

5.2.8 Trustees should report serious incidents to the Charity Commission via email RSI@charitycommission.gsi.gov.uk

5.2.9 Further detailed guidance can be found on the Charity Commission website at <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity#contents>

5.2.10 Trustees who wish to report less serious concerns relating to malpractice by an employee, another Trustee or associate or partner of Children in Wales should in the first instance contact the Chair of the Trustee Board or the Chief Executive.

5.3 Procedure for making a Disclosure – Associates, Partners and Others

5.3.1 Anyone wishing to make a disclosure should report in the first instance to either the Chief Executive or the Chair/Vice Chair of the Trustee Board as appropriate. CIW will treat all disclosures as confidential and in a sensitive manner.

5.3.2 Anyone making a disclosure will receive an acknowledgement in writing from CIW and will be provided with information about the action taken.

5.3.3 A report of all disclosures and related actions will be kept confidentially for a period of three years.

5.3.4 Concerns about certain categories of serious wrongdoing can be reported directly to the Charity Commission. Details of this can be found at the Charity Commission website at <http://forms.charitycommission.gov.uk/raising-concerns/>

5.3.5 Professional advisers may have their own protocols in regard to making disclosures about any concerns they have.

5.3.6 **Malicious allegations**

In the event of malicious allegations, appropriate action may be taken by Children in Wales.