



PLANT YNG NGHYMRU  
CHILDREN IN WALES

## **Whistleblowing & Reporting Serious Incidents Policy**

### **1.0 General statement**

- 1.1 Children in Wales is committed to the highest standards of openness, probity and accountability, and seeks to conduct its affairs in an appropriate manner. In line with that commitment, Children in Wales has implemented this policy and procedure to cover the genuine concerns that an employee, Trustee, volunteer, associate or partner may have about suspected wrongdoing within the organisation.

In demonstrating this commitment Children in Wales encourages anyone who has serious concerns about any wrongdoing within the organisation to come forward and express their concerns. This policy is primarily for concerns where the interests of others or the organisation itself are at risk.

- 1.2 Section 5.0 provides guidance on how to raise concerns. Staff and workers should refer to Section 5.1, Section 5.2 provides specific guidance for Trustees on how to report a Serious Incident in the Charity, and Section 5.3 provides guidance for volunteers and others.

### **2.0 Principles**

- 2.1 This policy is designed to provide a safe, fair and effective procedure to enable concerns raised in good faith about the organisation's operation to be addressed in a manner that is confidential and protects individuals against bullying, reprisal or victimisation.

Anyone raising a concern will be guided towards support where needed (see section 5.1.11) and all concerns raised will be taken seriously, acted upon and feedback provided on actions taken.

- 2.2 This policy follows legislation in The Public Interest Disclosure Act 1998 and Charity Commission guidelines.

### 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, for example:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- danger to the environment; or
- information tending to show any of the above is being deliberately concealed

- 3.2 This policy relates to all employees of the organisation, Trustees, volunteers, 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 Children in Wales.

- 3.3 This policy is not designed or intended to replace, or be used as an alternative to the Children in Wales Grievance Procedure. An employee who is aggrieved about their own situation should utilise the Grievance Procedure.

### 4.0 **Related Policies**

Complaints Policy  
Data Protection Policy  
Disciplinary Procedure  
Grievance Procedure  
Harassment at Work Policy  
Safeguarding Policy  
Volunteer Policy

### 5.0 **Guidance**

- 5.1 **Procedure for making a Disclosure – Employees and Workers** (see Flowchart at Appendix I)

- 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. Children in Wales will treat all disclosures as confidential and in a sensitive manner referring to section 5.2 for guidance.

- 5.1.2 If the disclosure relates to the Chief Executive, concerns should be directed to the Chair or Vice Chair of the Trustee Board.
- 5.1.3 Any employee making a disclosure will receive an acknowledgement in writing from Children in Wales and a timeline will be set out giving details of any investigation.
- 5.1.4 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. Children in Wales 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.
- 5.1.5 A report of all disclosures and related actions will be kept confidentially for a period of three years on the organisation's Incidents Log.
- 5.1.6 Concerns also may be raised anonymously, via a web-based form, and any information provided this way will be reviewed and addressed appropriately. However it will not be possible for the organisation to ask follow up questions or provide direct feedback to the whistleblower. Making a disclosure anonymously means it can be more difficult to qualify for protections as a whistleblower as there is no documentary evidence available.
- 5.1.7 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/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>
- 5.1.8 Employees and workers 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. This law is 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.

- 5.1.9 If an employee has a concern around terms and conditions of employment; health and safety; work relations; bullying and harassment; new working practices; working environment; organisational change; and discrimination, they should consult the Grievance Procedure instead.
- 5.1.10 **Malicious allegations**  
In the event of malicious allegations, disciplinary action may be taken against the employee.
- 5.1.11 **Support**  
If you feel daunted about reporting a concern or would like independent support after making a disclosure, Children in Wales offers employees free counselling through CareFirst. Alternatively, you can speak to an online adviser at specialist whistleblowing charity <https://protect-advice.org.uk/>. Guidance around whistleblowing and the legal position for workers can be found at [Acas](#).

## **5.2 Guidance for those who receive a disclosure**

- 5.2.1 Any disclosure will require action being taken at an appropriate level and those receiving information should ensure that this action is initiated and taken forward. This may involve discussions with the Chief Executive, Senior Leadership Team or the Chair/Vice Chair of the Trustee Board, as appropriate.
- 5.2.2 If you receive a disclosure, you should ensure that it is documented on the organisation's Incidents Log, respecting confidentiality where appropriate, to record any decisions or action taken.
- 5.2.3 When dealing with disclosures, it is good practice for managers to:
- Treat all disclosures made seriously and consistently
  - Provide support to the worker during what can be a difficult or anxious time with access to mentoring, advice and counselling (see section 5.1.11)
  - Reassure the whistleblower that their disclosure will not affect their position at work
  - Document whether the whistleblower has requested confidentiality
  - Manage the expectations of the whistleblower in terms of what action and/or feedback they can expect as well clear timescales for providing updates
  - Produce a summary of the meeting for record keeping purposes and provide a copy to the whistleblower
  - Allow the worker to be accompanied by a trade union representative or colleague at any meeting about the disclosure, if they wish to do so

- Provide support services after a disclosure has been made such as mediation and dispute resolution, to help rebuild trust and relationships in the workplace.

5.2.4 A flow chart can be found at Appendix I.

### **5.3 Procedure for making a Disclosure – Trustees**

5.3.1 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:

- harm to people who come into contact with the charity through its work
- loss of the charity's money or assets
- damage to the charity's property
- harm to the charity's work or reputation

The main categories of reportable incident are:

- protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work
- financial crimes – fraud, theft, cyber-crime and money laundering
- large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds
- other significant financial loss
- links to terrorism or extremism, including 'proscribed' (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff
- other significant incidents, such as – insolvency, forced withdrawal of banking services without an alternative, significant data breaches/losses or incidents involving partners that materially affect the charity

5.3.2 If something does go wrong, you should take immediate action to:

- prevent or minimise any further harm, loss or damage
- report it to the Commission as a serious incident
- report it to the police (and/or other relevant agencies) if you suspect a crime has been committed, and to any other regulators the charity is accountable to
- plan what to say to your staff, volunteers, members, the public, the media and other stakeholders, such as funders
- review what happened and prevent it from happening again – this may include reviewing internal controls and procedures, internal or external investigation and/or seeking appropriate help from professional advisers

- 5.3.3 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. Details of how to do this, can be found at: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>
- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 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.
- 5.3.7 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 Senior Leadership Team) is briefed about the incident and that an appropriate plan is prepared to alleviate risk to the organisation's assets and reputation.
- 5.3.8 The Charity Commission requires the following details when making a serious incident report:
- your own contact details, the charity name and, if it's registered, the registration number
  - reference numbers and contact details, if you've reported it to other organisations, like the police
  - names and registration numbers of other charities involved in the incident, if relevant

You'll also need incident details, including:

- date of the incident
- what happened

- date the charity found out about the incident
- how the charity found out about the incident
- whether trustees are aware of the incident
- what impact the incident has had on the charity's beneficiaries, finances, staff, operations or reputation

You'll also need details of how your charity is handling the incident, including:

- which of the charity's policies or procedures relate to the incident, and whether they were followed
- what steps the charity has taken to deal with the incident
- what steps the charity has taken to prevent similar incidents
- if applicable, the charity's media handling or press lines, including a link to a press release if available

5.3.9 Trustees should report serious incidents to the Charity Commission via <https://register-of-charities.charitycommission.gov.uk/report-a-serious-incident>

5.3.10 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>

5.3.11 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.

5.3.12 A flow chart can be found at Appendix I.

## **5.4 Procedure for making a Disclosure – Associates, Partners, Volunteers and Others**

5.4.1 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. Children in Wales will treat all disclosures as confidential and in a sensitive manner. Concerns also may be raised anonymously, via a [web-based form](#), and any information provided this way will be reviewed and addressed appropriately.

Young Volunteers may prefer to make a disclosure to a member of the Young Wales staff team. The staff member can then support the young person with their report to the Chief Executive or Chair/Vice Chair.

- 5.4.2 Anyone making a disclosure will receive an acknowledgement in writing from Children in Wales and will be provided with information about the action taken.
- 5.4.3 A report of all disclosures and related actions will be kept confidentially for a period of three years on the organisation's Incident Log.
- 5.4.4 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/>
- 5.4.5 Professional advisers may have their own protocols in regard to making disclosures about any concerns they have.
- 5.4.6 **Malicious allegations**  
In the event of malicious allegations, appropriate action may be taken by Children in Wales.
- 5.4.7 A flow chart can be found at Appendix I.

## **6.0 Appendices**

- I Whistleblowing Flow Chart





## Whistleblowing? Steps to take flow chart

