

## Whistleblowing Policy

March 2021

### 1. Our Commitment

We are committed to the highest standards of honesty, openness and integrity, and we expect the same high standards from all of our people – volunteers, employees, workers, contractors, agency workers.

However, we do recognise that there may be occasions when we – or our people - do not get this right. In these instances, you may feel that you need to raise your genuine and serious concerns using this Whistleblowing Policy.

### 2. Aims of the policy

The aims of this policy are to:

- provide a simple but effective way for you to raise serious concerns
- ensure that you receive feedback on any action undertaken by us as a result of you raising a serious concern
- ensure that you will be protected from reprisals or victimisation for having raised your concern in good faith
- signpost you to further options available to you if you are dissatisfied with our response, or if we feel an internal investigation is not appropriate
- allow us as an organisation to take action against anyone who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so.

### 3. Who this policy applies to

This policy is applicable to all volunteers, employees, students, interns, agency staff, sessional/ casual workers, contractors, job applicants and trustees.

### 4. Defining whistleblowing

Whistleblowing is the reporting of a concern in the public interest that something is happening within the NSPCC that should not be, or something that is not happening that should be. It can include examples of malpractice as well as illegal acts, or omissions at work.

Examples of the types of qualifying disclosures concerns covered by this policy include:

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- malpractice which puts at risk the safety of children and/or young people
- malpractice that seriously affects the quality of service provision or puts our organisational reputation at risk
- inappropriate/sexual relationships between a member of staff or volunteer and a person who accesses our services
- fundraising practices or a fundraiser's unreasonable behaviour. This may include using undue pressure, misleading or excessive requests, and not taking into account the needs of any potential donor who may be in a vulnerable circumstance or require additional care and support to make an informed decision
- fraud/financial irregularity
- a serious breach of health and safety
- a criminal offence or
- concealment of any of the above.

## 5. How to raise a concern

You can make your disclosure verbally but written disclosures are preferable as these will make the process more efficient and effective. In your disclosure, you should:

- provide any relevant context and background, including relevant dates, venues, names etc
- state clearly the reason why the situation causes concern.

If you are unsure about raising a concern because you don't know if its relevant, or whether it falls within this policy, you are encouraged to come forward so that the matter can be discussed and advice given.

You must say that you are raising your concern using the Whistleblowing Policy and whether you wish your identity to be kept confidential. While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, you will be informed of this and the reasons why it was not possible.

You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly.

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We will consider anonymous disclosures, but we do not encourage them as anonymity often makes it difficult to properly investigate concerns, protect others or give feedback on outcomes.

## 6. Who should I raise it with?

You should always look to raise the matter with your manager, supervisor or coordinator in the first instance. Where this is not appropriate because they may be involved in the alleged malpractice, wrongdoing or illegal acts or omissions in some way, you should raise your concern with their manager.

In some circumstances where it would be inappropriate for you to approach your manager, supervisor or coordinator (or their superior) you should raise the matter directly with the Head of Inspection and Internal Audit. Alternatively, you may raise your concerns with the Chief Executive.

Where a concern is about the Chief Executive or a Trustee, you should contact the following Senior Officer:

<b>Email</b>	<a href="mailto:governance@nspcc.org.uk">governance@nspcc.org.uk</a>
<b>In writing</b>	Head of Governance NSPCC Weston House 42 Curtain Road London EC2A 3NH
<b>Telephone</b>	020 7825 2500

If appropriate, the Senior Officer may arrange for the concern to be investigated externally and independent of the NSPCC, and for appropriate follow-up action to be taken.

## 7. What happens after I raise a concern?

Your disclosure will always be acknowledged within three working days.

When the NSPCC manager / supervisor / coordinator or Senior Officer receives your potential whistleblowing concern they will notify the Head of Governance immediately that a concern has been raised and inform them of progress in resolving the concern. The Head of Governance can then ensure that Trustees are properly informed about the nature and volume of concerns being raised.

A NSPCC manager (whether you are a volunteer or a member of staff) or Senior Officer will be appointed to investigate the concern. They will arrange to meet you as soon as possible, away from the workplace if necessary, to find out all the facts and check any details.

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You may be asked to give a written statement. We may not always be able to keep your details confidential but we will always let you know if it is not possible to do so.

You will be told either at the meeting or as soon as possible afterwards, what action will be taken to address the concern you have raised. The investigator will keep you informed as to the likely duration of the investigation. Where action is not taken, you will be informed and given an explanation. The action taken in response to a disclosure will depend on the nature of the concern.

Typically, the matters raised may result in one or more of the following:

- no action required
- action being taken under another NSPCC policy or procedure
- an internal investigation under this policy
- a referral to the police or relevant statutory body
- a referral to NSPCC's external auditors
- a referral to the Charity Commission
- an independent enquiry.

## **8. Raising a concern externally**

In most cases you should not find it necessary to alert anyone externally. We strongly encourage you to seek advice about whistleblowing and the extent of the protection available for whistleblowers before reporting a concern to anyone externally. We strongly encourage you to exhaust the internal processes set out above in the first instance.

In exceptional or urgent circumstances, however, or where having made a disclosure, you are unhappy with the outcome, you have a legal right to make a disclosure to prescribed bodies. These include but are not limited to:

- The Charity Commission
- HM Revenue & Customs
- The Health and Safety Executive
- The Financial Services Authority
- The Office of Fair Trading
- The Environment Agency
- Office of the Scottish Charity Regulator
- The Charity Commission for Northern Ireland
- Fundraising Regulator

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The NSPCC reserves the right to make a referral to any of the above agencies without your consent.

## 9. Making a disclosure to the press

Disclosures to the press will not be considered reasonable and may constitute misconduct. As such, the matter might be treated as a disciplinary matter in accordance with our Volunteer Issue Resolution Policy.

## 10. Protecting individuals using this policy

It is understandable that you may be worried about possible repercussions if you raise a concern. The law provides protection for whistleblowers, who report genuine concerns, to ensure you are not treated unfairly by raising a concern. We encourage openness and will support you if you raise a genuine concern under this policy, even if it turns out to be mistaken.

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below.

These are called *qualifying disclosures*. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice)
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation, or
- concealment of any of the above.

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed. You do, however, need to hold a reasonable belief of such an action having been, being or likely to be carried out.

If you make such a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even were it to materialise that you were genuinely mistaken. We will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith.

Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees. At the NSPCC, we want to promote and encourage an open and honest environment in which concerns can be freely raised. We will in so far as is possible, aim to treat all individuals

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making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

## 11. Non-whistleblowing concerns

This policy is only to be used in the exceptional circumstances as outlined in section 4. There are a number of NSPCC policies that will be relevant in other circumstances. This list includes but is not limited to:

- Safeguarding and Child Protection Policy
- Managing safeguarding allegations against staff and volunteers
- Dignity at Work Policy
- Compliments, Complaints and Comments Policy
- Volunteer Issue Resolution Policy

## 12. Malicious disclosures

If it is found that you have maliciously raised a matter which you know to be untrue or you are involved in any way in the malpractice, wrongdoing or illegal acts or omissions, your behaviour may be addressed through the appropriate NSPCC policy.

## 13. Further help and assistance

If, at any stage in the procedure, you are unsure about what to do and would like independent advice, you can discuss your concern with someone at Protect (formerly Public Concern at Work). This body is an independent charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work / your volunteering role. They can also provide advice about what legal protection may be available to you. You can email Protect [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) or phone them on their advice line: 020 3117 2520.

It is understandable that you may be worried about possible repercussions if you raise a concern. The law provides protection for whistleblowers, who report genuine concerns, to ensure you are not treated unfairly by raising a concern. We encourage openness and will support you if you raise a genuine concern under this policy, even if it turns out to be mistaken.

Our Employee Assistance Programme (EAP) service is also able to offer free and confidential legal and practical advice. They can be contacted on:

- <http://www.well-online.co.uk/>
- Username: nspcc
- Password: wellbeing
- The helpline number is 0800 085 1376.

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## **14. Effective date**

Last reviewed: April 2021

Review date: April 2022

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