

## Whistleblowing Policy

Date	Review Date	Chairman	Vice-Chair	Centre Manager
01.06.18	01.06.20	Neil Jones	Anne Everitt	Sally Mills

The following are important telephone numbers that must be kept up to date:

Contacts	Home	Mobile
Chairman of Trustees Neil Jones		
Vice Chair of Trustees Anne Everitt		
Centre Manager Sally Mills	01483 813846	

It is important that every staff member of The Therapy Garden acts in the best interest of the Charity and does not disclose any confidential information. Nevertheless, where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal.

### 1. Definition

The word 'whistleblowing' in this Policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

### 2. Policy Statement

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### 3. Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence
- 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
- Concealment of any of the above

- Any other unethical conduct or malpractice

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place. If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment or victimised because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

#### 4. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the chief executive or the chair of the board of trustees.

#### 5. Procedure

The procedure set out below should be followed when raising a concern:

##### Stage 1

In the first instance, any concerns should be raised with the centre manager, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained.

The centre manager will take any necessary action, including reporting the matter to the chair of the Board of Trustees and any appropriate government department or regulatory agency. The centre manager will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

##### Stage 2

If you are concerned that the Centre Manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

### Stage 3

If, on conclusion of stages 1 and 2, you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body.

This includes:

- HM Revenue & Customs
- the Health and Safety Executive
- the Environment Agency
- the Serious Fraud Office
- the Charity Commission
- the Pensions Regulator
- the Information Commissioner
- the Fundraising Regulator
- the Financial Conduct Authority.
- City & Guilds

This list is not exhaustive

## 6. City & Guilds Malpractice Procedure

City & Guilds are committed to providing high quality qualifications, which are assessed and awarded consistently, accurately and fairly. As a City & Guilds approved centre, The Therapy Garden is involved in the implementation, assessment and quality assurance of the qualifications and/or assessments and is committed to demonstrating professionalism, honesty and integrity during this process.

Malpractice is defined by City & Guilds as an act or an instance of improper practice and includes maladministration. Malpractice is any activity, practice or omission which is wilfully negligent or deliberately contravenes regulations and requirements and compromises the:

- Internal or external assessment process
- Integrity of a qualification
- Validity of a result or certificate
- Reputation and credibility of City & Guilds

Maladministration is defined as any activity, practice or omission, which results in centre or learner non-compliance with administrative regulations and requirements.

The City & Guilds document “Managing cases of suspected malpractice in examinations and assessments” (Version 6.1, January 2018) details City & Guilds requirements when dealing with, or wishing to report suspected malpractice. It covers the malpractice process for approved City & Guilds centres as well as providing guidance on the reporting and conducting of investigations.

The procedures set out in this document must be followed should malpractice or maladministration be suspected at The Therapy Garden.

## 7. Linked Policies

The Therapy Garden has a range of policies and procedures, which deal with standards of behaviour at work and staff are encouraged to use the provisions of these procedures when appropriate.

- Complaints Policy
- Bullying and Harassment Policy
- Disciplinary Policy
- Recruitment Policy
- Whistleblowing Policy
- Safeguarding Adults
- Safeguarding Children
- Financial Policy

## 8. Raising Awareness of this Policy

The Therapy Garden will raise awareness of this policy via:

- The Therapy Garden policy folder located in the Centre Manager's office containing all the charity's policies. Staff and volunteers are to be informed when the policies are updated.
- During staff and volunteer induction
- Through emails to staff and volunteers when policies are updated
- The Therapy Garden policies are also available to view on the charity's website

Any questions regarding the policy should be directed to the Centre Manager.

## 9. Policy reviews

The policy should be reviewed in the light of any new legal changes and at least once every two years.

This policy was adopted on the 01 August 2018 by:

Chair of Trustees Neil Jones		Date:	
Vice-Chair of Trustees Anne Everitt		Date:	
Centre Manager Sally Mills		Date:	