# WHISTLEBLOWING POLICY

**Effective from:**
**2 May 2025**

**Introduction**

1.1 YMCA St Paul's Group is committed to the highest standards of openness, integrity and accountability. These principles are integral to our values as a Charity. In line with this commitment and the legislative requirements set out in the Public Interest Disclosure Act 1998. This policy encourages anyone who has serious concerns about any aspect of the Charity's work to come forward and voice those concerns.

1.2 We expect honesty and integrity from our staff, governing members and stakeholders and therefore it is important we know how to respond if we come across or suspect something that is fundamentally wrong, illegal or endangers others within the Charity. We want everyone to understand the importance of preventing and eliminating wrongdoing at work.

1.3 You might not find it easy to report a concern, but the Charity encourages you to do so. Employers may be held vicariously liable for workers who victimise colleagues for making a whistleblowing disclosure. Be assured that YMCA St Paul's Group will take all reasonable steps to protect its workers, and that you can raise genuine concerns without fear of victimisation, discrimination, or disadvantage.

1.4 This Policy applies to all:

- YMCA St Paul's Group employees, including those of its subsidiary companies (whether permanent, temporary, full-time or part-time);
- Governing members (including board members, committee members, and any resident representatives who form part of our governance structure);
- Volunteers, agency staff, contractors or other people / organisations representing YMCA St Paul's Group and its subsidiary companies; and
- Those providing services under a contract or other agreement with YMCA St Pauls' Group.

1.5 This Policy will be reviewed annually in line with the requirements of the YMCA Federation's Membership Agreement.

**2. The purpose of this Whistleblowing Policy is to:**

2.1 Encourage colleagues to raise serious concerns and disclosures about wrongdoing so that problems can be identified, dealt with and resolved quickly.

2.2 Enable employees to raise concerns internally at a senior level which discloses information that they believe demonstrates malpractice or impropriety. These concerns can be raised in the "public interest" as set out the Enterprise and Regulatory Act 2013.

2.3 Provide avenues for colleagues to raise concerns and receive feedback on any action taken.

2.4 Reassure employees of the legal protections that exist that prevent them from being dismissed or penalised for publicly disclosing serious concerns. This policy reassures colleagues that they are protected by law from possible reprisals or any form of victimisation for making disclosures in the public interest.

2.5 Specify the action that will be taken by management in relation to the investigation and to ensure that the interests of the Charity are safeguarded.

**3. What is Whistleblowing?**

3.1 'Whistleblowing' is a term used to refer to the disclosure of malpractice – internally or externally – as well as illegal acts, or omissions at work. The Policy is intended to cover concerns which fall outside of the scope of workplace procedures that deal with standards of behaviour at work including: disciplinary, grievance, bullying, and harassment matters.

3.2 Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to the Charity's activities. The Charity is committed to conducting its charitable operations with honesty and integrity and everyone is expected to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

3.3 The Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, staff or the Charity itself.

3.4 The whistleblower must:

- have a reasonable belief in the information being disclosed;
- not make the disclosure for personal gain;
- show the disclosure is in the public interest.

3.5 Whistleblowers do not lose statutory protection because they are mistaken. The whistleblower will have protection as long as they have a 'reasonable belief' that malpractice has taken place, is taking place or is likely to take place. It does not matter if the belief actually turns out to be inaccurate or that the conduct would not constitute malpractice, as long as the whistleblower's belief is objectively reasonable.

**4. Confidentiality**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal an individual's identity. This policy is designed to encourage colleagues to feel able to voice whistleblowing concerns openly.

4.2 Completely anonymous disclosures can be more difficult to investigate, accordingly, the Charity encourages employees to put their name to allegations whenever possible.

4.3 In anonymous complaints, the Charity will make every effort to keep identities secret and only reveal it where necessary to those involved in investigating whistleblowing concerns or where required (for example, if the matter is referred to the Police).

4.4 In all cases, confidentiality will be maintained during the whole investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Charity must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure.

**5. Complaints that count as whistleblowing:**

5.1 Certain kinds of disclosure qualify for statutory protection known as 'Protected Disclosures'. These are any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more "relevant failures" is either happening now, took place in the past, or is likely to happen in the future:

- Financial malpractice, impropriety, fraud or acts of bribery;
- A breach of a legal obligation or Statutes;

- An instance where someone's health and safety is in danger;
- An instance that poses a risk or actual damage to the environment;
- Criminal activity involving YMCA St Paul's Group staff, Board/Committee members or its stakeholders;
- A miscarriage of justice;
- Improper conduct or unethical behaviour;
- Abuse of power or status;
- Abuse or neglect of vulnerable people (safeguarding);
- Any deliberate attempt to conceal any of the above.

**6 Complaints that do not count as whistleblowing:**

6.1 Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing law, unless the particular case is in the public interest.

6.2 Routine complaints and personal grievances which are not covered by this policy can be raised in accordance with the grievance procedure.

6.3 Any queries about whether a complaint is within the scope of this Policy should be referred to Human Resources.

6.4 In complex cases, Human Resource may refer the matter to the Company Secretary to determine whether a matter is within or outside the scope of this Policy. In making a determination on a complex case, the Company Secretary may take legal advice to assist in the decision-making process.

**7 Untrue Allegations**

7.1 If an individual makes an allegation that is not confirmed by the subsequent investigation, it is probable that no action will be taken against them. However, if the individual makes an allegation that is deemed to be in bad faith i.e. frivolously, maliciously or for personal gain, disciplinary action may be taken against them in accordance with our Disciplinary Policy.

7.2 It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, if a disclosure is not made in "good faith" this will still be considered by an employment tribunal, but compensation can be reduced by up to 25% in such circumstances.

**8 Protecting the whistleblower**

8.1 Employees are protected by law providing whistleblowers follow the Policy, make Protected Disclosures and do so where they have a reasonable belief that the disclosure is in the public interest.

8.2 Whilst volunteers are not expressly covered by whistleblowing law, the Charity will apply this Policy in a consistent manner for volunteers so that the best interests of the Association are protected.

8.3 Colleagues will not be victimised, subjected to a detriment or dismissed for raising a qualifying disclosure under this Policy. If any such treatment is suffered, then the matter should be referred to Human Resources immediately.

8.4 Victimisation of a colleague for raising a qualifying disclosure (including threatening or retaliating against a whistleblower) under this Policy will be a disciplinary offence. In some cases, the whistleblower could have a right to sue a colleague personally for compensation for any act of victimisation or detrimental treatment by virtue of making a protected disclosure.

8.5 Covering up someone else's wrongdoing is also a disciplinary offence. Colleagues should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority such as a line manager.

8.6 Maliciously making a false allegation is a disciplinary offence.

**9. The disclosure procedure:**

9.1 Disclosures should be made in the following ways:

- Verbally or in writing – to the line manager; or
- In writing – using the 'Report It!' intranet form – any submissions will be directed, confidentially to the Group Director of People & Culture and Company Secretary;
- In writing - to the Group Director of People & Culture and Company Secretary to whistleblowing@ymcaspg.org.
- NB: The Whistleblowing email account is accessible to the Company Secretary and the Governance and Risk Officer.

9.2 If you believe the seriousness of the whistleblowing matter is not appropriate for the reporting lines set out above, it can be disclosed to:

- The Chief Executive, or
- If the issue relates to the Chief Executive, then report to the Chair of Audit & Risk Committee (via companysecretary@ymcaspg.org).

9.3 Unless submitted anonymously, receipt of your concern will be acknowledged in writing within five working days. The acknowledgement will explain how the matter will be handled.

9.4 All disclosures should be made promptly so that investigations may take place and any action can be taken expeditiously. If the concern is anonymous, a full investigation will still be carried out and all appropriate action taken.

9.5 All disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, whistleblowers will be interviewed and asked to provide a written witness statement setting out the nature and details of the disclosure and the basis for it. The right to bring a colleague or union representative to any meetings under this Policy is in place. Companions must respect the confidentiality of the disclosure and any subsequent investigation.

9.6 Once a concern has been raised, the Charity will carry out an initial assessment to determine the scope of any investigation and an estimate of how long the investigation will take. Whistleblowers will be advised of who will be handling the matter, how they can be contacted and what further assistance may be needed. Once the matter has been reviewed, the outcome of the Charity's assessment will be communicated.

9.7 When a concern is raised, it will be helpful to know of potential outcomes or resolutions and any personal interests in the matter must be disclosed.

9.8 If it is considered that the whistleblowing concern falls more properly within other workplace procedures (e.g. grievance, bullying or harassment), then advice will be given as to the best route for the problem raised.

9.9 The Charity reserves the right to arrange for another person to conduct the investigation other than the manager with whom the matter was initially raised. In some cases, the Charity may appoint an investigator or external person with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change that enables the Charity to minimise the risk of future wrongdoing.

9.10 The Charity aims to keep whistleblowers informed of the progress of the investigation, its likely timescale and the outcomes. However, sometimes the need for confidentiality may prevent specific details of the investigation being shared or any disciplinary action taken as a result. The Charity is committed to taking appropriate action with respect to all qualifying disclosures which are upheld. Colleagues should treat any information about the investigation as confidential.

9.11 In alignment with PROTECT, the Charity will conduct periodic audits of the effectiveness of this whistleblowing policy. These reviews will include a record of the number and types of concerns raised and the outcomes of investigations, feedback from individuals who have used the arrangements, and any complaints of failures to maintain confidentiality.

9.12 Whistleblowing matters are reported to the Company Secretary and to the Audit and Risk Committee. Where a disclosure is determined to be serious (e.g. where significant loss or reputational loss is suspected, this will be reported to the ARC and Board Chair within 48 hours of receipt).

9.13 The Regulator of Social Housing (RSH) will be notified of whistleblowing incidents depending on the severity and individual circumstances. The decision to disclose will be agreed with the Board of YMCA St Paul’s Group.

**10 External Disclosures:**

10.1 The aim of this Policy is to provide an effective internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.

10.2 If, on conclusion of the above stages, a colleague reasonably believes that appropriate action has not been taken, the colleague may then report the matter to the proper authority in good faith. The legislation sets out a number of prescribed bodies or persons to which qualifying disclosures may be made. However, the Charity always encourages whistleblowers to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly.

**11 Other sources of advice and assistance**

11.1 The Charity strongly encourages colleagues to seek advice before reporting a concern to anyone external.

11.2 The Employee Assistance Programme is available for confidential advice and guidance. Please refer to the Employee Assistance page’ on the Intranet

11.3 The Charity is registered with PROTECT which is a Charity specialising in whistleblowing and the public interest. They operate a confidential helpline (020 3117 2520) and a website with useful information (www.protect-advice.org.uk).