

## C22: Whistleblowing Policy

Whilst we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective, there may be occasions where this may not be happening. It is vital that all team members talk through any concerns they may have with their line manager at the earliest opportunity to enable any problems to be ironed out as soon as they arise.

### Disclosure of Information

If, in the course of your employment, you become aware of information which you reasonably believe tends to show one or more of the following, you **MUST** use the Centre's disclosure procedure set out below:

- That a criminal offence has been committed or is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, employment terms and conditions).
- That a miscarriage of justice that has occurred, is occurring, or is likely to occur.
- That financial malpractice or impropriety or fraud has occurred, is occurring, or is likely to occur (the Centre has a separate statement on principles of conduct of its staff in respect of financial and related transactions which should be referred to).
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.
- Bullying / inappropriate behaviour towards another member of staff or parent.

### Disclosure Procedure

If this information relates to child protection/safeguarding then the Centre's Safeguarding policy should be followed, with particular reference to the staff and volunteering section.

Where you reasonably believe one or more of the above circumstances listed above has occurred you should promptly disclose this to your line manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your manager (i.e. because it relates to your manager) you should speak to the General Manager or one of the Centre's management team. If the matter concerns one of the Centre's management team, you should contact the General Manager. If it concerns the

General Manager then you should contact either the Company Secretary or the Chair of the Centre's Board of Directors.

Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner.

Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the General Manager, one of the Centre's management team or the Company Secretary.

If an employee makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that person. In making a disclosure the employee should exercise due care to ensure the accuracy of the information.

Any employee who is involved in victimising employees who make a disclosure or takes any action to deter employees from disclosing information or makes malicious or vexatious allegations or disclosures in bad faith (and particularly if he or she persists with making them) will be subject to potential disciplinary action which may result in dismissal.

Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal.

Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal.

### **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

### **Investigating Procedure**

On receipt of a complaint, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints will be investigated by one of the Centre's management team unless the complaint is against them or is in any way related to their actions. In such cases, the complaint should be passed to the General Manager for referral.
- In the case of a complaint, which is any way connected with but not against one of the Centre's management team, the General Manager will nominate a senior manager to act as the alternative investigating officer.
- Complaints against the General Manager should be passed to the Chair of the Centre's Board of Directors who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.
- Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:
  - Linda Mortimer Pine (Deputy Director of HR, University of Leeds)
  - Catherine Cho (Company Secretary).
  - The investigating officer should follow these steps:
  - Full details and clarifications of the complaint should be obtained.

- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider, in consultation with the General Manager, Company Secretary and/or the Chair of the Centre's Board of Directors (as appropriate), whether the involvement of the Centre's auditors, the police or other external body is necessary at this stage.
- It is expected that if there is evidence of criminal activity then the investigating officer should inform the police. The Centre will ensure that any internal investigation does not hinder a formal police investigation.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the General Manager or Chair of the Centre's Board of Directors as appropriate.
- The General Manager / Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Centre procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Centre's auditors to enable a review of any relevant procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the General Manager / Chair, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Centre recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, OFSTED, or other relevant external agency/regulator), or, where justified, elsewhere.

## Contact Information

Angela Hynes (General Manager)

[a.c.hynes@leeds.ac.uk](mailto:a.c.hynes@leeds.ac.uk)

Linda Mortimer Pine (Deputy HR Director, University of Leeds)

[l.mortimer-pine@adm.leeds.ac.uk](mailto:l.mortimer-pine@adm.leeds.ac.uk)

Catherine Cho (Company Secretary)

[c.l.l.cho@adm.leeds.ac.uk](mailto:c.l.l.cho@adm.leeds.ac.uk)

Rob Wadsworth (Chair, Board of Directors)

[r.j.wadsworth@leeds.ac.uk](mailto:r.j.wadsworth@leeds.ac.uk)

<b>Reviewed by</b>	Fiona Hakin
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