

Whistle blowing Policy Statement

Why have a whistle blowing Policy?

The Whistle blowing Policy has been introduced to help you raise your concerns about malpractice at an early stage and in the right way. We would rather that you raised the matter at the earliest opportunity than wait for the situation to deteriorate.

We recognize that you may be worried about raising such issues or may want to keep the concern to yourself. We assure you that, by using this procedure, if you wish, you may submit your concern anonymously your concern will be dealt with effectively, discretely and, if you wish, in confidence.

How do I raise a concern?

If you have a concern about malpractice, we hope you will feel able to raise it with your line Designated Child Protection Officer **Mohammed Kamal Ahmed** or the Chairperson **Abdul Munim** in their absence on 07956 141918.

However, if this is not appropriate, you can contact the Chairperson or Secretary on **oceancy@hotmail.co.uk** or Phone 020 7423 9369 and leave a message with the office administrator for them to call you back.

You can write to the Chairperson: **Abdul Munim** or Secretary: **Mohammed Abdul Ahad** at Ocean Youth Connexions, Stepney City Farm, London E1 3DG.

What happens when I call?

Your call (letter or e-mail) goes immediately to the Designated Child Protection Officer who will ask you a number of questions and generate a written report. This will be forwarded to the Management Committee. The Management Committee will review the report and decide on the form of investigation to be taken. This will involve either an internal investigation or, if appropriate, a Social Service or Police investigation. The Management Committee will refer any complaint regarding financial matters to the Treasurer to investigate further and liaise with the relative funding bodies and Police if need be.

I am not an Ocean Youth Connexions (OYC)Employee; Can I still contact the Child Protection Officer?

Yes, Ocean Youth Connexions (OYC) encourages all paid staff and volunteers, including third party contractors and agency workers, (and their families) to raise concerns about malpractice.

Do I have to give my name?

No. You may raise a concern anonymously and in confidence under this Policy. However, if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position or to give you feedback. Ocean Youth Connexions (OYC) will not tolerate harassment, victimization or reprisals against anyone raising a genuine concern. If the situation arises where we are not able to resolve your concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Whistle blowing Procedures

The Whistle blowing Procedures are set out in paragraphs 1-12 below. In summary, these are:

- All allegations should be submitted to the Chairperson or secretary unless he/she is the subject of the allegation.
- Allegations about injustice or discrimination will be handled under the grievance procedures for staff or the young people's complaints procedure for users.
- Allegations of financial malpractice will be investigated by the Management Committee Members headed by the Treasurer.
- Other matters will be investigated by the Chairperson or Secretary.

If an allegation involves the Chairperson or Secretary, the allegation should be made to the Directors of the organisation.

Updated Contact details can be found in the Centres Policy and Procedures folder.

1. The Ocean Youth Connexions (OYC), like other public bodies, has a duty to conduct its affairs in a responsible and transparent way and to take into account legal requirements, the requirements of the Charities Commission and the standards in public life enunciated in the Reports of the Committee on Standards in Public Life (the Nolan Committee), including the "Seven Principles of Public Life", namely: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
2. This note describes procedures at the Ocean Youth Connexions (OYC) for handling allegations relating to the running of the Centre or to the work-related activities of members of staff of the Centre (commonly referred to as "whistle blowing"). The procedures are designed to assist in investigating and, where appropriate, acting upon a complaint by any person or persons within the Centre about any of the following matters, whether in respect of the Management itself, or about an individual member of staff or individuals.
 - Commission of a criminal offence;
 - Failure to observe a legal obligation, or to comply with an instrument of governance;
 - Miscarriage of justice;
 - Endangering health or safety or the environment;
 - Administrative malpractice (financial or non-financial);
 - Obstruction or frustration of the exercise of progressive freedom;
 - Professional malpractice (including, for instance, violation of intellectual property rights or failure of integrity at work);
 - Improper conduct or unethical behaviour;
 - Suppression or concealment of any information relating to any of the above.

Complaints falling outside these matters will be dealt with under the appropriate procedures (e.g. staff grievance procedures, young people's complaints procedures).

3. The paragraphs which follow indicate the routes through which allegations of misconduct or malpractice should be raised. However, members of staff or young people may fear that their own position could be jeopardised if they

raise a particular concern directly in one of these ways. A member of staff or a young person may, therefore, choose to raise a concern in the first instance with the centre

coordinator/manager, or management committee and ask that person to bring the matter forward on his/her behalf.

No detrimental action of any kind will be taken against a person within the centre making a complaint of the nature described above, provided that it is done without malice and in good faith, reasonably believing it to be true. In addition, members of staff have statutory protection, provided that they comply with the relevant provisions of the Public Interest Disclosure Act 1998 (see paragraphs 11 and 12 below). A malicious or vexatious complaint, however, could result in disciplinary action.

4. Any allegations raised under the Whistle Blowing Procedure should be submitted in writing to the Chairperson and Secretary, unless the Chairperson & Secretary is the subject of the allegation or is in some way implicated in it. In these circumstances, the procedure described in 7 below should be followed.

The Chairperson & Secretary will deal with the allegation through the appropriate route set out in paragraphs 5, 6 and 7 below.

5. Allegations of injustice or discrimination made by one member of staff against another will be dealt with under the appropriate grievance procedure established by Management Committee for the category of staff to which the complainant belongs. An allegation of this kind made by a young person against a member of staff will be dealt with under the complaints procedure for young people. A copy of the Young peoples Complaints Procedure can be found in the Centres Policy Procedure Guide folder, and hard copies are available from the Administrators Office.
6. Allegations about an individual's financial conduct will be passed to the Treasurer, who will investigate the allegation and report his/her conclusions to the Chairperson & Secretary (to whom the Treasurer has a direct reporting relationship) and to the Directors. Where for any reason the person making the allegation considers it inappropriate to refer the matter to the Treasurer, the procedure indicated in paragraph 7 will apply.
7. Allegations about other issues including, for example, the behaviour of a senior member of staff or of an independent member of the Management Committee or the Directors or other collective decision makers, should be made to the Chairperson & Secretary. If the allegation falls into a general area covered by another procedure (e.g. the procedure for considering misconduct), the allegation will be considered under that procedure. Otherwise, the Chairperson & Secretary will investigate the allegation and will prepare a report for the Directors, whose decision in the matter will be final. The Chairperson & Secretary may appoint another person to undertake the detailed investigation on his/her behalf, provided that the conclusions of the person so Appointed shall have been reported to, and endorsed by, the Chairperson & Secretary before a report is made to the Directors.

Where an allegation concerns the Chairperson & Secretary or the complainant otherwise considers it inappropriate to refer the matter to the Chairperson & Secretary, he/she may raise the allegation with any of the Directors of the organisation, who will investigate and report to the Executive Committee Members and Directors, or similarly, appoint another person to undertake the detailed

investigation on his/her behalf. If the person making the allegation considers it inappropriate to refer the matter to either the Chairperson & Secretary or the Directors, Executive Committee Members as a whole. Where an allegation concerns any members of the Director, or any person acting with the Directors he/she may raise the matter with the delegated authority outside of the organisation (e.g. Trade Union, Charity Commission, Child protection Agencies, and Social Services)

8. In all cases where an allegation has been made under paragraphs 6 and 7, the person to whom the allegation is made will acknowledge its receipt and keep a record of action taken. If on preliminary examination the allegation is judged to be wholly without substance or merit, the allegation may be dismissed. The person making the allegation will be so informed and may re-make the allegation to the Directors of the Organisation or, if he/she has previously been involved in the matter, to the other Directors of the organisation. The person or persons against whom an allegation is made must be informed of the allegation and the evidence supporting it and must be allowed to comment before the investigation is concluded. All allegations, including those dismissed after preliminary examination, and the results of their investigation must be reported to the Directors. The outcome of all allegations must also be reported to the complainant.
9. The identity of any person making an allegation under paragraphs 5, 6 and 7 will be kept confidential until a formal investigation is launched. Thereafter, the identity of the person making the allegation may be kept confidential, if requested, unless this is incompatible with a fair investigation (e.g. the need of the person(s) against whom the allegation is made to know the identity of his/her accuser) or unless there is an overriding reason for disclosure. Provided that the allegation has been made lawfully, without malice and in the public interest, the employment position of the person making it will not be adversely affected by reason of making the allegation. The Public Interest Disclosure Act 1998 offers protection to workers making allegations in certain circumstances (see 11 and 12 below).
10. If someone who has made a Whistle blowing allegation remains dissatisfied with the outcome of the investigation because either (1) they believe the procedures have not been followed properly, or (2) they are convinced that the decision is one which no reasonable person could have reached, there is a right of appeal on these grounds only.

The Chairperson or Secretary (or the Treasurer if the allegation concerns the Chairperson or Secretary has been involved at an earlier stage) will appoint a person to hear the appeal. This will be by someone not employed by the

Organisation who holds (or has held) judicial office or who is or has been a barrister or solicitor for at least ten years. If the appointed person so requests, the Chairperson or Secretary (or the Treasurer) will nominate one member of Director, to sit with the person appointed.

11. Under the Public Interest Disclosure Act 1998, allegations may be raised through a variety of procedures:

- To the employer - see procedure above;
- To a prescribed person;
- To a legal adviser;
- To a Minister of the Crown (though this does not apply in the context of the organisation).

Provision is also made for:

- A disclosure made in other cases; or
- A disclosure of an exceptionally serious failure.

12. Protection against victimisation, dismissal or redundancy: the Public Interest Disclosure Act 1998 provides that a worker has the right not to be subject to any detriment after having made a 'protected' disclosure. Circumstances in which disclosures are 'protected' are described in the Appendix.

Chair: _____ Signed: _____ Date: _____