



Little Gate Confidential reporting and Whistle-blowing policy

Date: March 2024
Review Date: March
2025

Scope

For the avoidance of doubt and unless expressly stated to the contrary any reference to Little Gate Supported Employment (LITTLE GATE) should be treated as including Little Gate College and Little Gate Farm and any reference to client/participant should be treated as including a Student of Little Gate College.

Key Points:

- Little Gate is committed to the highest standards of openness, probity and accountability and expects employees to come forward and voice concerns
- This policy covers major concerns that fall outside the scope of other procedures

- All concerns will be treated in confidence and your identity will not be revealed without your prior agreement and you will not be penalised for making a disclosure. However, at an appropriate time you may wish to be a witness.

Where it is proven that a person has made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

- This Policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for workers who disclose information about alleged wrongdoings in certain specific circumstances.

The whistleblowing policy is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem or 'blowing the whistle' outside. However, disclosure would likely be protected if, for example, a health and safety issue was disclosed to the Health and Safety Executive but not if the concern was disclosed to the media. For an external disclosure to be protected it must be

- a) made in good faith
- b) have some substantive basis and
- c) unless there is some legitimate reason it should have been raised internally or to an appropriate body first

Definition

The Chartered Institute of Personnel & Development suggests that "put at its simplest, whistleblowing occurs when an employee or worker provides certain types of information, usually to the employer or a regulator, which has come to their attention through work. Whistleblowing is making a disclosure in the public interest and occurs when a worker raises a concern about a danger or illegality that affects others"

The Responsible Officer

The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Chief Executive will then delegate the concern to the appropriate person who will then be the Officer Responsible for the case. That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Chief Executive and Board of Trustees, if applicable.

1. Who does this policy apply to?

1.1 This policy applies to all Little Gate employees, volunteers, trustees, trainees, students JCP work-placement volunteers, apprentices, interns and visitors.

2. What is the purpose of this policy?

2.1 This policy aims to:

- encourage you to feel confident to make a disclosure of concerns about issues that fall under this policy
- provide avenues for you to raise those concerns
- reassure you that you will be protected from being penalised or suffering detriment, without fear of victimisation.

3. What kind of concerns would I disclose under this policy?

3.1 This policy covers any serious concerns about any aspect of service provision or the conduct of any staff or volunteers who have a duty of care at Little Gate or others acting on behalf of Little Gate. This could be something that makes you feel uncomfortable or falls below established standards of practice or amounts to improper conduct.

3.2 Concerns that fall within this policy could include:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligations;
- disclosures relating to miscarriages of justice;
- Health and Safety risks, including risks to the public, clients and other staff;
- damage to the environment;
- something that is against East Sussex County Council policies;

The unauthorised use of charity funds

Possible fraud and corruption

Abuse of clients

- information relating to any of the above categories is being or is likely to be deliberately concealed.

3.3 Please note that the Grievance Policy and Procedure exists to enable you to lodge a grievance relating to any matter concerning your own employment that you are unhappy about, in particular, matters that fall outside this policy. It is very important that this whistleblowing policy is not used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

3. Can I remain anonymous?

4.1 You are encouraged to put your name to allegations as anonymous concerns are much less powerful. However, these will still be considered by Little Gate but in exercising this discretion the following factors will be taken into account

- The seriousness of the concern
- The credibility of the concern
- The likelihood of confirming the allegation from relevant sources.

Little Gate will not tolerate harassment or victimisation and will take appropriate action to protect you.

4. How do I raise a concern and make a disclosure?

5.1 Concerns can be raised either orally or in writing, to either your senior manager or head of project or college. In cases where your concerns are about management, you can approach anyone listed below:

- The Board of Trustees
- Adult Social care
- ESCC Trading standards
- Duty and Assessment Team

5.2 You will be expected to set out why you are concerned and give as much background, history and relevant dates as you can and, whilst you are not expected to prove beyond doubt the truth of an allegation, it is in your best interests to demonstrate that you are making the disclosure in good faith and that you reasonably believe that the information disclosed, and any allegation contained within it, are substantially true.

6. How will Little Gate respond?

6.1 In order to protect all individuals concerned with any disclosure, initial enquiries will be made to decide whether an investigation is appropriate. Where appropriate the matters raised may be:

- investigated by management, internal audit or through disciplinary procedures
- be referred to the police, and or, other appropriate agencies
- be referred to the external auditor
- form the subject of an independent enquiry

- resolved by agreed action without the need for investigation.

Concerns or allegations that fall within the scope of specific procedures such as safeguarding or discrimination will normally be referred for consideration under those policies.

6.2 Within 10 working days Little Gate will:

- acknowledge receipt of your concern
 - indicate how it is proposed to deal with the matter and give an estimate of how long this will take
- Provide you with information on staff support that is available
Inform you whether further investigation will take place and if not, why not.

6.3 Little Gate will take steps to minimise any difficulties which you may experience as a result of raising a concern, and if you are required to give evidence at a criminal or disciplinary hearing the East Sussex County Council will support you.

Where any meeting is arranged this may take place off-site if you so choose. You may also be accompanied by a union or professional representative or a friend.

6.4 Whilst Little Gate must act in confidence in relation to any disclosure made under this Policy, it will use its best endeavours to inform you of the outcome of any investigation wherever possible.

7. Making an external disclosure

7.2 If you do take the matter outside Little Gate, you should ensure that you do not disclose confidential information and you must ensure that you satisfy the following conditions in order to gain the specific rights under this Policy or the relevant legislation referred to above:

7.2.2 you must reasonably believe that the information disclosed, and any allegation contained in it, is substantially true;

7.2.3 the disclosure must not have been made for the purposes of personal gain;

7.2.4 one of the following three conditions must apply;

- at the time of the disclosure, you reasonably believe that you will be subjected to detriment by raising the concern with Little Gate or a prescribed person (listed in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999),
- where there is no prescribed person in relation to the relevant failure, you reasonably believe that it is likely that evidence will be concealed or destroyed if you make a disclosure to Little Gate, or
- you have previously made a disclosure of substantially the same information to either your manager at Little Gate or a prescribed person; and

7.2.5 in all of the circumstances of the case, it is reasonable to make the disclosure.

7.3 The following external contacts will be able to provide you with support on a confidential basis:

- Public Concern at Work – Suite 301, 16 Baldwins Gardens, London EC1N 7RJ

Tel: 020 7404 6609 Fax: 020 7404 6576

- External Audit, PKF, C Floor, West Block, County Hall, Lewes Tel: 01273 335313

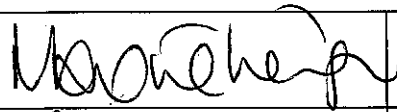

or contact Stephen Aynsley-Smith, Assistant Manager, PKF(UK) LLP, Farringdon

Place, 20 Farringdon Road, LONDON EC1M 3AP

Tel: 020 7065 0187 e-mail: Stephen.aynsley-smith@uk.pkf.com

The whistleblower's charity, Protect.

This is a registered charity whose services are free and strictly confidential. The charity provides confidential advice to individuals who have witnessed wrongdoing in their organisations, as well as training and consultation services to employers. It is also the leading campaigning organisation for better public policy and legal protection for whistleblowers. <https://protect-advice.org.uk>

Signed by trustee			
Signed by CEO			

Reviewed by	Date	Changes made	Next review date

