

Capernwray Hall Whistle-blowing Policy

This Whistle-blowing policy sets out the framework for dealing with allegations of illegal and improper conduct.

Capernwray is committed to the highest standards of transparency, probity, integrity and accountability.

The procedure outlined in this policy is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

It does not replace other policies and procedures such as the Capernwray Complaints Procedure or the Anti-Bullying and Harassment Policy and other specifically laid down statutory reporting procedures. It applies to all Capernwray employees, volunteers, students and guests, and is intended to ensure that Capernwray complies with its duty under the Public Interest Disclosure Act 1998.

1. What is a whistle-blower?

A whistle-blower is a staff member, guest or student at Capernwray who reports certain types of wrongdoing. This will usually be something they've seen at Capernwray - though not always.

The wrongdoing a whistle-blower discloses must be in the public interest. This means it must affect others, such as anyone influenced by Capernwray's ministries, including, where applicable, the wider public.

Where necessary whistle-blowers are protected by law and should not be treated unfairly or lose their job because they 'blow the whistle'. Capernwray employees are so protected. Anyone who is unsure whether they are protected should seek independent advice, for example from Citizens' Advice. General guidance on whistleblowing can be found at Advice on Whistleblowing (p12 of KCSIE 2018 has a hyperlink – see 'References', below).

The NSPCC whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled at Capernwray. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk (p12 KCSIE)

A concern can be raised at any time about an incident that happened in the past, is happening now, or could happen in the near future

2. What sort of complaint counts as whistleblowing?

A whistle-blower is protected by law if they report any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, guests, students or members of the public where such a complaint is in the public interest
- Abuse of authority
- Other unethical conduct

Complaints that *don't* count as whistleblowing are such things as personal grievances including bullying, harassment or discrimination. These aren't covered by whistleblowing law, unless the particular case is in the public interest. Complaints of that nature should be addressed through Capernwray's Complaints Procedure or its Anti-Bullying and Harassment Policy.

3. Who should be told and what should be expected?

Capernwray recognises that the decision to make an allegation can be a difficult one. However, whistle-blowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty to Capernwray and to those for whom Capernwray are providing a service. Capernwray will take appropriate action to protect a whistle-blower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

If the whistle-blower felt so able they could tell anyone at Capernwray. Their Line Manager, or the Managing Director or the Chair of Trustees would be the most obvious person to go to. Contact details for reporting in writing are Capernwray Hall, Carnforth, LA6 1AG.

There are other options if the whistle-blower doesn't want to report their concern directly to Capernwray. They could for example get legal advice from a lawyer, or go to a prescribed person or body depending on the nature of the issue being raised, for example the Police, SIS, UKVI, the Health and Safety Executive, The Environment Agency, Citizens' Advice or the local council.

All allegations will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower requests otherwise. However, if the matter is subsequently dealt with through other avenues such as the Complaints Procedure, confidentiality cannot be guaranteed. Similarly, if the allegation results in court proceedings then the whistle-blower may have to give evidence in open court if the case is to be successful.

Capernwray will not, without the whistle-blower's consent, disclose the identity of a whistle-blower to anyone other than a person involved in the investigation/allegation.

This procedure encourages whistle-blowers to put their name to an allegation wherever possible, as anonymous allegations may often be difficult to substantiate. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Managing Director and Chair of Trustees, taking into account these factors:

- The seriousness of the issue raised
- The credibility of the allegation
- Whether the allegation can realistically be investigated from factors or sources other than the complainant.

If a whistle-blower reports their concern to the media, in most cases they will lose their whistleblowing legal rights. The whistle-blower won't have a say in how their concern is dealt with.

No disciplinary or other action will be taken against a whistle-blower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistle-blower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

Capernwray or the prescribed body or person approached can keep the whistle-blower informed about the action they've taken, but they can't give them much detail if they have to keep the confidence of other people. A prescribed person cannot help the whistle-blower with their relationship with Capernwray.

4. What is the procedure for whistle-blowing at Capernwray?

The Managing Director and Chair of Trustees have overall responsibility for the operation of this procedure and for determining the administrative processes to be followed and the format of the records to be kept.

a) The whistle-blower approaches their selected individual at Capernwray, or their chosen external prescribed person or body.

b) The recipient of the claim will consider the allegation and as appropriate discuss it with any of the following: the Managing Director, other members of the SMT, a trustee, or the whistle-blower's line manager. After

consideration, they will discuss with the whistle-blower and may ask for further information, if their identity is known. If they wish to proceed with the allegation it will be investigated.

c) If the whistle-blower desires confidentiality they must say so straight away.

d) Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation)
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove its truth, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

e) Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

f) The person receiving the allegation will record details, gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation
- The acknowledgement of the allegation
- Any documents supplied by the whistle-blower

g) The investigator will ask the whistle-blower for their preferred means of communication and contact details and use these for all communications with the whistle-blower in order to preserve confidentiality.

h) If the allegation relates to fraud, potential fraud or other financial irregularity the Managing Director will be informed within 5 working days of receipt of the allegation. They will determine whether the allegation should be investigated and the method of investigation.

i) If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Trustees and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately. If the issue is around suspected harm to vulnerable adults, the Safeguarding Policy should be referred to.

j) An acknowledgement of the allegation in writing within 10 working days will include:

- An indication of how Capernwray proposes to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistle-blower support mechanisms
- Indication of whether further investigations will take place and if not, why not.

Where the allegation has been made internally and anonymously, obviously Capernwray will be unable to communicate what action has been taken.

k) If the claim regards a credible accusation of malpractice on Capernwray's part, the Managing Director will convene a panel to investigate the claim and produce a report and recommendations. The panel must consist of at least one member of the Senior Management Team, one Trustee and one trusted individual independent of Capernwray with expertise in the area of the claim. The report must be produced within 28 working days following receipt of the report.

l) The Senior Management Team and Trustees will agree which of the report's recommendations should be implemented, and produce a timed action plan and log of the incident within 28 working days following receipt of the report.

m) The log of the incident will record the following details:

- The name and status (e.g. employee) of the whistle-blower

- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation was to be investigated and, if yes, by whom
- The outcome of any investigation
- Any other relevant details

The log will be confidential and only available for inspection by the Board of Trustees.

n) The Managing Director will report annually to the Board of Trustees on the operation of the Procedure and on the whistle-blowing allegations made during the period covered by the report. The report will be in a form which does not identify whistle-blowers.

5. Support for the whistle-blower

Capernwray will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings Capernwray will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Capernwray accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

6. If the whistle-blower is not satisfied with how Capernwray deals with their concern

- They should tell someone else (eg a more senior member of staff) or a prescribed person or body if they believe their concern wasn't taken seriously or the wrongdoing is still going on.
- They could contact the Advisory, Conciliation and Arbitration Service (ACAS) or the whistleblowing charity Public Concern at Work for more guidance.
- If the whistle-blower considers themselves unfairly treated after whistleblowing they can take a case to an employment tribunal, and must notify ACAS of that intention.
- Further information is available from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice or the whistleblowing charity Public Concern at Work.
- Any claim of unfair dismissal must be raised within 3 months of employment ending.

7. References

[Whistle-blowing for employees \(UK Gov\)](#)

[Public Concern at Work](#)

[Citizens' Advice](#)

[Advisory, Conciliation and Arbitration Service](#)

[NSPCC whistleblowing helpline](#)

[Keeping Children Safe in Education 2018](#)

Capernwray Hall Safeguarding Policy

Capernwray Hall Complaints Procedure

Capernwray Hall Anti-Bullying and Harassment Policy

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