



Whistleblowing Policy



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Eligibility

This policy applies to all staff, freelance contractors, agency staff and volunteers working for Gingerbread and any participant in a Gingerbread programme.

Introduction

Gingerbread aims to carry out its activities for single parents to high ethical standards in line with good practice and legal requirements. All single parents who come into contact with our services should be treated with dignity and respect. Gingerbread encourages an organisational culture that aligns with our values: Brave, Inclusive, Trustworthy, Supportive, and Ambitious.

It is essential that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We, therefore, require all individuals to raise any concerns that they may have about the conduct of others in the charity or how the organisation is run. This policy sets out how individuals may raise any concerns they have and how those concerns will be dealt with.

The Whistleblowing policy covers concerns about serious issues such as financial malpractice, safety concerns, and illegal or unsafe practices that could put the public or the environment at risk. Gingerbread wants employees to raise serious concerns constructively without fear of victimisation or discrimination.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to protect workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- or concealment of any of the above.

is being, has been, or is likely to be, committed. It is not necessary to have proof that such an act is being, has been, or is expected to be, committed – a reasonable belief is sufficient. The individual has no responsibility for investigating the matter; it is Gingerbread's responsibility to



ensure that an investigation occurs.

If an individual makes a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. Gingerbread encourages individuals to raise your concerns under this procedure in the first instance.

Examples of the types of serious concerns that may be public interest concerns in the context of Gingerbread's work include:

- Financial malpractice, such as using charity funds for personal gain
- False fundraising, marketing or bids soliciting donations to fund work we do not intend to carry out
- False reporting of targets and outcomes to funders to obtain payment fraudulently
- Use of charity funds or resources to support criminal activity, including criminal activity in a domestic dispute
- The way in which services are delivered causes harm to vulnerable service users
- Serious conflicts of interest affecting the independence of the charity.

The above list is to provide examples and is not exhaustive.

Gingerbread will not tolerate the harassment or victimisation of anyone raising a public interest concern they believe is true. Such treatment of legitimate whistle-blowers will be treated as a disciplinary matter.

The whistleblowing policy does NOT offer protection from detriment if:

- The concerns the individual raises are not public interest concerns, such as concerns about their work treatment. Such concerns should be raised using the [Grievance Policy](#) (which also offers protection from victimisation).
- They have participated in the malpractice themselves.
- They could not reasonably have believed the concerns were true.
- They didn't raise the concerns in line with this policy; for example, they went straight to the media.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be reported back to the person who submitted the concern.
- No employee or other person working on behalf of Gingerbread will be victimised for raising a matter under this procedure. This means that the staff member's continued employment and opportunities for future promotion or training will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.



- If misconduct is discovered as a result of any investigation under this procedure, our [disciplinary procedure](#) will be used in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, such as a manager, you should not agree to remain silent. You should report the matter to the CEO or Chair of the Board of Trustees

How to raise a concern

If the concerns relate to safeguarding or child protection, and a child or person is suffering or likely to suffer significant harm, the individual should **immediately** contact the Safeguarding Manager¹.

For all other concerns, they are encouraged to tell their manager, supervisor or main point of contact in the first instance. They can do this in a meeting or writing. If they wish, a union representative or work colleague may accompany them to the meeting.

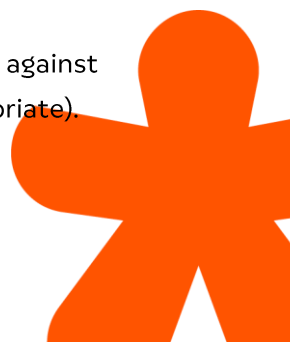
If they don't feel comfortable telling their manager, supervisor or main point of contact, or if they have already raised it with them and it remains unaddressed, they are encouraged to submit it, through the following channels, either in writing, by telephone or by requesting a face to face meeting:

- Victoria Benson - Chief Executive Officer victoria.benson@gingerbread.org.uk
- Simon Bentley - Chair, Gingerbread Board of Trustees
simon.bentley@gingerbread.org.uk

Should the concern involve the individuals manager, supervisor or main point of contact, they are advised to please contact Victoria Benson or Simon Bentley directly in the first instance.

¹ All safeguarding concerns (where a child or 'adult at risk' is experiencing significant harm or is at risk of serious harm, or there is a significant mental health concern/ suicide risk, or significant risk of violence including domestic violence or abuse) must be raised with a Safeguarding Manager and then raised with the Designated Safeguarding Lead (DSL) or deputy as relevant. If a member of staff is unhappy with the response, they have received in the light of flagging a safeguarding concern, they can raise this within the Whistleblowing Policy.

We have a separate Managing Allegations Policy which specifically addresses allegations against staff around safeguarding concerns. This is managed by the DSL and/ or CEO (as appropriate).



Individual's responsibilities

- Make sure they genuinely suspect the concern is valid. As long as they have a reasonable suspicion, they can raise concerns. They are not expected to investigate themselves.
- Raise the concern in line with this policy. For example, if they tell the media or publicise their concern widely, this could damage the reputation of Gingerbread or an individual and will be treated seriously.
- Raise the concern within a reasonable time of the incident.
- Be careful not to disclose confidential information outside Gingerbread, for example, personal data about service users or employees.

Confidentiality

The manager the individual tells their concern to, as well as those involved in the investigation, are responsible for ensuring confidentiality is maintained; however, if a matter is sufficiently serious (for example, a breach of Gingerbread's duty of care), this may result in selected individuals being informed.

The CEO, Chair of Gingerbread, and the relevant Head of Department will be informed of the concern. This is because they are responsible for leading the charity and need to be aware of serious risks and decide how Gingerbread will respond. To protect confidentiality, senior managers may not need to be informed who has raised the concern.

It may not be possible to maintain confidentiality, for example, if the individual is a witness in criminal proceedings. In addition, Gingerbread cannot prevent staff from guessing individuals' identity. Support will be provided in these circumstances.

What will happen after you've spoken up

Once an individual tells Gingerbread about their concerns, Gingerbread will investigate to establish the facts and decide what action needs to be taken. The person the individual tells will let them know within 10 working days:

- Our understanding of the concerns that you have reported
- Who is handling the matter
- How they can be contacted
- An indication of how the issue will be dealt with
- If further assistance is needed, a union representative or work colleague may accompany the individual in additional meetings.

Once the matter has been investigated, the individual will receive feedback on the outcome of their concern, bearing in mind the confidentiality owed to other staff members.



Raising concerns externally

If an individual does not feel confident raising concerns internally or are worried that concerns have not been dealt with, please ring the **Protect Helpline** on 020 3117 2520 or contact online at <https://protect-advice.org.uk/contact-protect-advice-line/>. This confidential advice line can help decide the best place to raise concerns safely and constructively.

Gingerbread would prefer the opportunity to deal with matters internally and put things right and avoid damage to the charity's reputation. However, we would prefer you to tell an external regulator rather than remain silent.

Individuals may contact an external regulator and *maintain protection under this policy* if they reasonably believe the allegations are true and:

Either

- they are genuinely concerned that if they raise the issue internally, it will be covered up, or they will be mistreated.

Or

- If they have already raised the matter internally, and it hasn't been investigated and resolved.

There is a list of external regulators and contact information on the website

<https://www.gov.uk/whistleblowing>. It includes:

HMRC	Tax evasion or business fraud
Audit Commission	Fraud relating to the delivery of public services
Charity Commission	Mismanagement or misuse of charitable funds
Information Commissioner	Data protection concerns
HSE	Health and Safety concerns
NSPCC	Child protection concerns



Appendix 1: Questions and Answers for staff

Will raising a concern affect my position at Gingerbread?

No, this policy is designed to protect staff & volunteers who raise genuine concerns about malpractice, and Gingerbread takes concerns raised using this policy very seriously.

Can I withdraw my concern?

Once we are aware of possible malpractice, we have a duty to investigate.

Do I need to put my name on it?

We encourage you to raise their concerns openly, but your name will be kept confidential if you wish. The manager you tell your concern to and those involved in the investigation are responsible for ensuring confidentiality is maintained. Anonymous tip-offs are not encouraged, as they are challenging to investigate.

If your concern raises staff incompetence or misconduct issues, Gingerbread may need to take disciplinary or capability action. The member of staff accused will be informed of the allegations and given the opportunity to respond to them as part of the process.

Is there anyone I can talk to before I raise a concern?

Protect Helpline on 020 3117 2520 or contact online at <https://protect-advice.org.uk/contact-protect-advice-line/>. This advice line will help you decide whether to raise your concern and, if so, how to do this safely and constructively.

Workplace Options Employee Assistance Programme: 0800 243 458

You can speak to counsellors about the emotional aspects of speaking up, deciding whether to speak up or remain silent and worries about working relationships or repercussions. The information specialists also provide practical support on employment.

Both of these services are confidential and independent; you can ring anonymously.

Unite the Union: If you are a member of Unite, you may talk through your concerns with your representative, who can advise you on how to raise your concern and support you through the process.

How will raising a concern affect other procedures I'm involved in, for example, if I'm involved in a disciplinary, grievance, capability or redundancy process?

If you are involved in other procedures, these will be kept separate from the investigation into the concerns you have raised. There is usually no need to delay other procedures while a concern under this policy is investigated. Please see appendix 3.





What do I do if I feel victimised or harassed after speaking up?

This policy is in place so that you can speak up without fear of victimisation or discrimination. If you feel you are being treated unfairly, please speak to your line manager or HR, or you may bring a grievance under the [Grievance Policy](#).



Appendix 2: Questions and Answers for Managers

What should I do if someone tells me about a serious concern?

- Safeguarding or child protection concerns should be reported to a Safeguarding Manager immediately if a child or adult is experiencing significant harm or is at risk of serious harm.
- Managing allegations around safeguarding concerns are set out in our Managing Allegations Policy – speak to the DSL or CEO or The Chair of Trustees
- Within 2 working days, you should write up notes of the conversation with the staff member and send them a copy of the notes.
- Within 2 working days, you must inform Gingerbread leadership of the concerns. This may be done confidentially so that the identity of the member of staff who raised the concerns is not disclosed. You should inform:
 - The Chair of Trustees
 - The CEO
 - The Head of the department concerned.
- Maintain confidentiality of the staff member raising the concern, keeping them informed of whom you need to tell. You may wish to arrange meetings off-site.
- Within 10 working days, you need to write to the member of staff to confirm the following:
 - Our understanding of the concerns that have been reported
 - Who is handling the matter, and how they can be contacted
 - An indication of how the matter will be dealt with
 - Whether further assistance may be needed.
 - Inform the staff member that they may be accompanied by a union representative or work colleague in further meetings.
- Following the investigation, you need to write to the person who raised the concern outlining the findings of the investigation and action taken by Gingerbread to resolve the issue, taking into account confidentiality and data protection

Who will investigate the concerns?

- The CEO and the Head of the Department will decide how the concern will be investigated. For example, a manager close to events, through the disciplinary process, by an external auditor or independent investigator, or by the police. If concerns involve the CEO or another member of SMT, the Chair of Trustees should decide how the matter will be investigated.

What if the concern involves malpractice by a staff member?

- The disciplinary or capability policy may apply if the concern raises issues of misconduct, gross misconduct or poor performance.
- The staff member accused of malpractice will be informed of the allegations, as they will be given the opportunity to respond to them as part of the process.





How do we handle the impact of a whistleblowing concern on working relationships?

Raising a public interest concern can be difficult, and support should be offered. By maintaining confidentiality, the effects on working relationships and the possibility of victimisation may be minimised.

Support should equally be offered to staff who are the subject of a complaint.

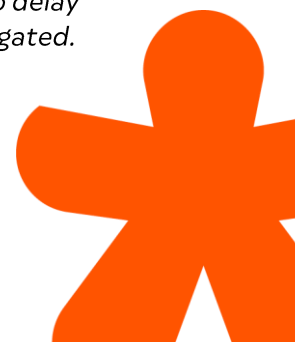
Staff should be made aware of the Employee Assistance Programme. Details are available [here](#).



Appendix 3: Guidelines on dealing with overlapping procedures

If a staff member raises a public interest concern under the Whistleblowing Policy, the concern should be investigated separately from other processes. Raising a concern is not a reason to delay a grievance, disciplinary, capability or redundancy process.

- Public interest concerns unrelated to the other processes can be dealt with in parallel and should not delay the disciplinary or capability process.
 - *For example, a staff member has been invited to a capability meeting, as their line manager says their work is not to the required standard. The staff member raises a whistleblowing concern that their manager is falsifying their expense claims. The two processes are dealt with in parallel.*
- Allegations of victimisation should be raised as part of the disciplinary, capability or redundancy process. The concern may be raised as a defence to the allegations, as mitigating circumstances, or in your response to a redundancy consultation. In most cases, the grievance procedure need not be used. If your allegations remain unresolved following the process, they may be raised separately.
 - *For example, a staff member raised a concern in the past that their manager was falsifying their expense claims. This was investigated and found to be untrue. Later, their manager invites them to a capability meeting to discuss their poor performance. The staff member feels they are being victimised for raising a public interest concern, which they had reasonably believed was true. They raise their concerns about victimisation as mitigating circumstances at the capability meeting.*
- There may be an overlap with the Managing Allegations Policy, where allegations relate to a safeguarding concern where a member of staff or volunteer is the alleged perpetrator. This policy also includes malicious allegations and how staff will be supported, as well as reporting to external bodies (e.g., the police, local authority designated officers, the Charity Commission etc.)
- Public interest concerns about the situation that led to the disciplinary or capability process being invoked should be raised as part of the disciplinary or capability process as a defence to the allegations or mitigating circumstances. If the concerns are very serious or the chair cannot come to a decision, a separate investigation into the public interest concerns may also occur.
 - *For example, a staff member has been invited to a disciplinary meeting to discuss their failure to follow management instructions. As part of the disciplinary process, the staff member raises a public interest concern to say that their manager is falsifying their expenses. They believe the disciplinary action is because they had consistently refused to complete their own expense form in the way their manager requires, as they believe this would be against Gingerbread policies. The chair of the disciplinary meeting may decide to delay the disciplinary process whilst the whistleblowing allegations are investigated.*



Working Relationships

If staff are finding it challenging to work together during a disciplinary, capability, grievance or whistleblowing process:

- Staff are expected to continue working together, to carry out their regular roles for the charity, and to remain professional whilst the process is carried out.
- Staff are expected to continue communicating with each other, to avoid a breakdown in working relationships and an uncomfortable atmosphere for other staff.
- Colleagues are expected to remain professional and supportive of other colleagues.
- Staff may require additional support from senior managers, line managers, and HR.
- Adjustments may be considered to facilitate productive working, for example working partly from home or neutral 3rd party support in meetings.
- The grievance, disciplinary or capability process should consider not only the facts of the case but how to resolve the situation and improve the working relationship in the future.
- Mediation helps people in a dispute to reach an agreement. It can address various serious issues, including relationship breakdown, communication problems, bullying and harassment. It is most effective prior to a formal process in the hope of resolving the issue prior to a formal process or at the end of a formal process to rebuild working relationships. Mediation is not available internally at Gingerbread. External mediators may be brought in if this would help to resolve a serious situation, bearing in mind the cost involved.



Flowchart - How to raise a concern

You may call the **Protect Helpline** on 020 3117 2520 at any point if you become aware of malpractice, fraud, wrongdoing or misconduct and would like advice or if you are unsure whether to tell anyone or whom you should tell.

To ensure that concerns are handled appropriately, you are covered by this policy; you must raise a concern in line with the policy. This means concerns are raised within Gingerbread where possible, and staff should take advice from Protect helpline before raising concerns externally.

