



Duty to Act (Whistleblowing) Policy

1. Introduction

- 1.1. This policy applies to all employees, self-employed, volunteers and trustees of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.
- 1.2. It is essential to Yellow Door that any fraud, misconduct or wrongdoing by employees, self-employed, volunteers and trustees of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in Yellow Door or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Background

- 2.1. The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:
 - 2.1.1. a criminal offence;
 - 2.1.2. a miscarriage of justice;
 - 2.1.3. an act creating risk to health and safety;
 - 2.1.4. an act causing damage to the environment;
 - 2.1.5. a breach of any other legal obligation; or
 - 2.1.6. concealment of any of the above;
- 2.2. is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.
- 2.3. If the concern is related to safeguarding the following criteria applies, if an adult who is in a position of trust has:
 - behaved in a way that has harmed a child, or may have harmed a child
 - possibly committed a criminal offence against or related to a child or
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children



- behaved or may have behaved in a way that indicates they may not be suitable to work with children then allegations procedures must be followed and reported to the Local Authority Designated Officer (LADO).
- For Allegations/ concerns about a member of the YD team or public who are in positions of trust with Adults who are at risk – and have care and support needs. Any concern or allegation about a member of the YD team must be taken seriously and acted upon. When required a referral or contact must be made to Local Authority: <https://www.southampton.gov.uk/adult-social-care/care-info-professionals/southampton-safeguarding-adults-board/professionals/multi-agency-policies-and-guidance/> See the section on Managing Allegations against people in a position of Trust, where there is a form to complete

- 2.4. A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

A worker may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling it's none of their business or that it's only a suspicion. A worker may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. The organisation encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, they should discuss the issue with their line manager.

- 2.5. Any worker who shares a concern or makes an allegation will be adequately supported by a member of Yellow Door Management Team, by a clinical Supervisor or an independent person acting on behalf of Yellow Door as appropriate.
- 2.6. You can find more details on Whistleblowing at : <https://www.gov.uk/whistleblowing>
- 2.7. Whistle blowing is not for personal grievances (for example bullying, harassment, discrimination), unless your particular case is in the public interest. This comes under the Conflicts, Concerns and Complaints Policy

3. Principles

- 3.1. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 3.2. Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.



- 3.3. No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- 3.4. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 3.5. If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures, including reporting to regulatory bodies that the charity or the person is covered by. Also consider if a disclosure to DBS is required, especially when a worker has been dismissed or would have been dismissed if they had not left.
- 3.6. Maliciously making a false allegation is a disciplinary offence.
- 3.7. 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, workers should not agree to remain silent. They should report the matter to Senior Leader, CEO or Trustee.
- 3.8. This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's Conflicts, Complaints & Concerns Policy.

4. Procedure

The named senior officer with responsibility in respect of complaints and allegations against staff and volunteers is the CEO. They must be aware of the LADO arrangements.

All Managers will be trained in qualifying disclosures/ Whistle blowing and LADO procedures at induction and updated regularly.

4.1. Stage 1

- 4.1.1. In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach their line manager, any concerns should be raised with the worker's line manager or another Senior Manager. If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to stage 3.



4.2. *Stage 2*

- 4.2.1. The line manager will arrange an investigation into the matter (either by investigating the matter personally or immediately passing the issue to someone in a more senior position). The investigation may involve the worker who made the report and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the Board of Trustees, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to their line manager and start the disciplinary procedure. At the conclusion of any investigation, the worker who made the report will be told the outcome of the investigation and what the Senior Leadership Team/ CEO has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.
- 4.2.2. If the allegation is safeguarding related, a report will be made to the Local Area Designated Officer (LADO) within 24 hours of the allegation being received. A report will be made to the Police if a criminal offence has taken place. Trustees will also decide if the incident should be reported to the Charity Commission/ other regulatory bodies. Records are kept of when referrals to LADO are made to review and identify if any patterns are emerging.

4.3. *Stage 3*

- 4.3.1. If the worker is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Senior Leadership Team/ CEO, they should inform the Chair of Trustees/ a Trustee of the organisation, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the board as in stage 2 above. If for any other reason the worker does not wish to approach their line manager they should also in the first instance contact a Senior Manager of the organisation. Any approach to the Senior Manager will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent. The Senior Manager would seek support from CEO/ Trustee.



4.4. Stage 4

4.4.1. If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- 4.4.1.1. Local Safeguarding Authority
- 4.4.1.2. HM Revenue & Customs;
- 4.4.1.3. the Financial Conduct Authority;
- 4.4.1.4. the Competition and Markets Authority;
- 4.4.1.5. the Health and Safety Executive;
- 4.4.1.6. the Environment Agency;
- 4.4.1.7. the Independent Office for Police Conduct; and
- 4.4.1.8. the Serious Fraud Office.
- 4.4.1.9. BACP or the regulatory body of the professional

The full list is available on <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies> or the worker can contact their legal advisor or MP.

Please see managing allegations including LADO on the HIPS website

<https://hipsprocedures.org.uk/lkyyst/adults-who-pose-a-risk-of-harm-to-children/allegations-against-staff-or-volunteers>

Workers can also call the National Whistleblowing Helpline run by the NSPCC on 0800 028 0285 this provides confidential and anonymous advice.

4.5.1 Investigations will be seen through to conclusion even if the person resigns.

5. Data protection

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.



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Stage	Date	Staff member	Comments
Reviewed	May 2025	RE	
Edited	May 2025	NK	Edits
Approved by SLT	July 2025	SW	
Signed off by Board	November 2025	LF	
Next Update Due			