

Whistleblowing Policy

Scope

This policy applies to all employees of Tall Ships Youth Trust and Tall Ships Limited (TSYT), trustees, agency staff, contractors, consultants, freelance crew, volunteers and trainees undertaking activity on behalf of TSYT. Where individuals are not covered by statutory whistleblowing protections under the Employment Rights Act 1996, TSYT will nevertheless seek to apply the principles of this policy and protect individuals from detrimental treatment where concerns are raised.

Nothing in this policy removes any statutory rights available to workers under whistleblowing legislation.

Purpose

To prevent malpractice by the organisation, its employees, agents and trustees, by advising staff how to raise concerns with TSYT's management or, if necessary, with its trustees or other external bodies and advising staff of the protection offered to them by the protection offered under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998)

This policy is written for TSYT staff. It does not cover disclosures made to TSYT regarding third parties as a prescribed person under the PIDA.

Introduction

All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. We have a duty to identify and take measures to remedy all malpractice particularly regarding issues of safeguarding, fraud and corruption.

By encouraging a culture of openness within TSYT we can prevent malpractice before it happens. We encourage staff to raise issues which concern you at work. We recognise, however, that you may be worried that by reporting such issues you will be opening yourself up to victimisation, detriment or risking your job security. Such fears are understandable; this policy is therefore designed to provide you with information about the protections offered by Public Interest Disclosure Act 'PIDA' as well as the process by which you may raise your concerns.

TSYT will not tolerate retaliation against any individual who raises a concern in good faith under this policy. Retaliation may include dismissal, disciplinary action, bullying, harassment, exclusion, loss of opportunity, reduction in duties, threats, unfavourable treatment or any other detriment connected to the disclosure. Any individual found to have subjected a whistle-blower to retaliatory treatment may be subject to disciplinary action.

By recognising and identifying malpractice at an early stage we stand a good chance of taking the necessary steps to safeguard the interests of all staff, protect our organisation and prevent fraud and corruption.

In short, do not hesitate to 'speak up' or 'blow the whistle' on malpractice

'Malpractice' – in the context of this policy may refer to any of the following:

- Failure to comply with a legal obligation
- Unprofessional acts
- Misuse or inappropriate use of TSYT funds or resources

- A criminal offence
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above

Concerns relating to safeguarding children or vulnerable adults should be raised immediately and may be reported directly to the Designated Safeguarding Lead, CEO, statutory safeguarding authorities, or the Police where appropriate.

1. Definitions

Fraud - for the purpose of this policy refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for themselves or another, or cause loss to another, or expose another to risk of loss.

The term 'fraud' encompasses:

- Fraud by false representation;
- Fraud by failing to disclose information; and
- Fraud by abuse of position

Descriptions of the above can be found within the [Fraud Act 2006](#)

Corruption - for the purpose of this policy refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to TSYT or the rights of others. Examples include accepting bribes or incentives during procurement processes, seeking to influence others.

Malpractice - for the purpose of this policy refers to actions which may be:

- Illegal, improper, or unethical.
- In breach of a professional code.
- Possible maladministration, fraud or misuse of the charity's funds; or
- Acts which are otherwise inconsistent with any internal Codes of Conduct

2. Protection of whistle-blowers

The management of TSYT are committed to this policy. If the policy is used to raise a concern in good faith, we give you our assurance that you will not suffer any form of retribution, victimisation or detriment as a result of your actions. In addition, the Public Interest Disclosure Act 'PIDA' may provide you with legal protection in relation to your disclosures if you raise your concerns in accordance with that Act.

Concerns will be treated seriously, and actions taken in accordance with this policy. If you ask us to treat the matter in confidence, we will do our utmost to respect your request. However, it is not possible to guarantee confidentiality and so if we have to make disclosures, we will discuss the matter with you first. We will give you feedback on any investigation and be sensitive to any concerns you may have as a result of any steps taken under this procedure.

In some circumstances TSYT may decide that we ought to reveal your identity in order to assist in the investigation into the matter. You will be advised beforehand if this is the case.

Remember, if you do not tell us who you are it will be much more difficult for us to investigate the matter fully, to ask follow-up questions, to protect your position or to give you feedback. Anonymous disclosures will be considered, although investigation and legal protection may be more limited.

Whistle-blowers receive protection under the Public Interest Disclosure Act 'PIDA' in specific circumstances. Further information about the protection afforded under PIDA can be found using the resources listed at the end of this policy.

3. Procedure

Concerns under this policy may be raised verbally or in writing. TSYT encourages individuals to raise concerns at the earliest possible opportunity and through the most appropriate available channel.

Concerns may be raised to any of the following:

- A line manager or member of the management team
- A member of the Leadership & Capabilities Team
- The Chief Executive Officer (CEO)
- The Chair of Trustees
- The Designated Trustee for Safeguarding or Whistleblowing

Concerns relating to the safety or welfare of children or vulnerable adults should be reported immediately in accordance with TSYT safeguarding procedures. These may be escalated directly to the Designated Safeguarding Lead, the CEO, statutory safeguarding authorities, or the Police where appropriate.

When raising a concern, individuals should state whether they have a personal interest in the matter at the outset.

3.1 If you feel unable to raise the matter within TSYT

If you feel that the people within TSYT with whom you would normally raise the issue are parties to, or supportive of, the behaviour causing concern, you may report the matter to:

- The Charity Commission
- Auditors
- Where appropriate, any other external or legislative bodies; HSE, Police, Environmental Health Department etc.

3.2 Raising your concerns externally

Raising concerns internally is considered the most appropriate action to be taken in almost all cases. However, if you feel you cannot raise your concerns internally, we recommend you seek advice before taking another course of action.

Concerns may also be raised to 'prescribed persons' as designated under the Employment Rights Act 1996 (as amended). A full and up-to-date list of prescribed persons is published by the UK Government.

If you have good reason for not using the internal or regulatory disclosure procedures described above, you might consider making wider disclosure by reporting the matter via a public forum.

Public disclosures should only be made in exceptional circumstances and after taking independent advice, as legal protections are more limited.

You are recommended to take legal advice before following this course of action.

3.3 Responding to whistleblowing

After you have raised your concern, we will decide how to respond in a responsible and appropriate manner. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised.

TSYT will acknowledge receipt of a whistleblowing concern within 5 working days. The organisation will then assess the matter and determine the appropriate course of action. Where an investigation is undertaken, the whistle-blower will be provided with periodic updates where appropriate and informed of the outcome where it is lawful and appropriate to do so.

4. GDPR, data protection and record keeping

All whistleblowing disclosures will be recorded, stored and processed securely in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Information will be restricted to those who need it for the purposes of handling or investigating the concern and will be retained only for as long as is necessary in line with TSYT's data retention and safeguarding obligations.

5. Sources of Advice

It is recommended to that you obtain advice about whistleblowing and Public Interest Disclosure Act 'PIDA' at an early stage if you intend to report malpractice. This is important so that you know the extent of the protection which will be provided to you under the PIDA.

If you are a member of a trade union, you may wish to seek advice about raising an issue from a trade union representative. You may also wish to seek advice from 'Protect' which is an independent charity set up to provide advice and guidance about whistleblowing issues. Contact details for 'Protect' are given in the resources section below.

6. If you receive a disclosure

On rare occasions, you may receive a whistleblowing disclosure despite not holding any of the positions referred to above. For example, a disclosure could be received through the post. In this instance you should forward the disclosure to a member of The Management Team, who will investigate accordingly.

7. Malicious whistleblowing

It is important to note that as long as you have raised a concern in good faith, you will not be subject to disciplinary action even if the investigation finds your allegations to be unproven.

If you are found to have made allegations maliciously and/or not in good faith, a disciplinary process may be instigated against you.

8. Resources

For more information on whistleblowing and related legislation visit: <https://protect-advice.org.uk/pida/>

If you need independent advice about a whistleblowing issue you can telephone Protect on 02031172520

9. Related Policies

Safeguarding Policy

Bullying and Harassment Policy

Grievance Policy

Disciplinary Policy

Anti Bribery Policy

GDPR Policy

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