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June 2019 – Independent advice charity details amended and Charity Commission advice details added
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Whistleblowing Policy

1. Introduction

This document sets out the Whistleblowing Policy of Alexandra Park and Palace Charitable Trust and its trading subsidiary APTL hereafter known as Alexandra Palace.

2. Background

The law provides protection for individuals who raise legitimate concerns about specified matters. This means that they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an individual who has a reasonable belief that one of the following acts is being, has been, or is likely to be, committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment e.g. Pollution incident;
- financial irregularities;
- concerns regarding fundraising practice
- act of bribery;
- harassment of a colleague, customer or other individual
- a breach of any other legal obligation; or
- concealment of any of the above.

As a charity we need to be transparent in all that we do ensuring our reputation and maintaining public confidence in everything we do. This means that the definition of public interest is broad.

It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The individual has no responsibility for investigating the matter; Alexandra Palace has responsibility to ensure that an investigation takes place.

3. Scope

This policy applies to all employees both full-time, part-time and those working on a fixed term or casual contract. It also covers other individuals providing services or performing work, such as agency workers and contractors, and these individuals are also encouraged to use this policy.

This policy covers disclosures about matters other than a breach of an employee's own contract of employment. If, an employee wishes to make a complaint about their employment or how they have been treated, they should use the following policies:

- Anti-Bullying and Harassment Policy
- Diversity and Inclusion
- Disciplinary Policy
- Grievance Policy
- Serious Incident Reporting

4. Policy

It is our policy that any fraud, misconduct or wrongdoing is reported and properly dealt with. Alexandra Palace therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run. This policy also sets out the procedure in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Individuals should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

- Any matter raised will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised the issue;
- No individual 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 individual will not be prejudiced because he/she has 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 the Alexandra Palace 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, individuals should not agree to remain silent. They should report the matter to the HR Department.

5. Procedure

Alexandra Palace encourages individuals to raise their concerns under this procedure in the first instance. If an individual is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department.

Stage 1 Raising concerns

In the first instance, any concerns should be raised with the individual's line manager unless the individual reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the individual does not wish to approach his/her line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the individual should proceed straight to stage 3.

Stage 2 How Alexandra Palace will handle the matter

When advised of a concern or on receipt of a complaint Alexandra Palace will assess the information and consider what action might be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. Alexandra Palace will advise the individual who will be handling the matter, how to contact them, what further assistance that may be needed and agree a timetable for feedback. When requested, Alexandra Palace will write to the individual summarising the concern and setting out the proposal for handling the concern. Please note, however, that it may not always be possible to inform the individual about the precise actions Alexandra Palace will take where this would infringe on a duty of confidence owed to another person.

Stage 3 Escalation of concerns

If the individual is concerned that his/her 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 Board, he/she should inform a Whistle blowing contact by telephone: **020 8365 4555** or by emailing whistleblowing@alexandrapalace.com or by directly contacting the Head of HR or the Trustee Board Lead Member for Whistleblowing, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own report to the Board as in stage 2 above. If for any other reason the individual does not wish to approach his/her line manager, he/she should also in the first instance contact Head of HR. Any approach to the director will be treated with the strictest confidence and the individual's identity will not be disclosed without his/her prior consent.

The Charity Commission provides guidance on how to report a serious issue directly to the regulator if the individual does not wish to speak to anyone in the Charity. The Charity Commission advises seeking advice from Protect (see section 10) initially to ensure the individual is sure about whether it is within the law to share evidence with the Charity Commission.

<https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

6. Reporting the matter to the proper authority

If on conclusion of stages 1, 2 and 3 the individual reasonably believes that the appropriate action has not been taken, he/she 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:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- Fundraising Regulator
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

7. Action to be taken by the manager

Any manager who is informed by an individual of potential wrongdoing will take immediate action to investigate the situation. In doing so, the manager will take every possible step to maintain the anonymity of the individual who has made the allegation of wrongdoing.

The individual who has raised the issue will be kept informed of any investigation that is taking place. The individual will also be informed of the outcome of the investigation. It might not always be appropriate to tell the individual the detail of any action that is taken, but the individual will be informed if action is taken.

8. Alerting outside bodies to a potential wrongdoing

An individual should always, in the first instance, talk to a manager in the organisation about a potential wrongdoing. If the individual is not satisfied with the response, he/ she is entitled to contact a relevant external body to express their concerns. In doing this the individual should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a relevant body
- have a reasonable belief it is in the public interest to make the disclosure.

A "relevant body" is likely to be a regulatory body (e.g. the Health and Safety Executive, or the Financial Conduct Authority).

9. Contacting the media

In the first instance Alexandra Palace would want to investigate any Whistle blowing concerns. Individuals should not contact the media with allegations about the organisation, except in extraordinary circumstances where neither the organisation nor the relevant regulatory body would be appropriate.

10. Independent Advice

If an individual is unsure as to whether to use this policy or wants confidential advice about raising a concern about malpractice at work, they may contact the independent charity **Protect** on 0800 055 7214 www.pcaw.co.uk or by email at whistle@protect-advice.org.uk.

11. Employee Assistance Programme

Alexandra Palace also provides an employee assistance programme that offers confidential support service and advice on personal issues and work-related issues.

Employees can contact the service, 24 hours a day 7 days a week on 0800 047 4097.

12. Associated documentation and further information

The policy should be read in conjunction with the following documents:

- Grievance Policy
- Bullying and Harassment Policy
- Code of Conduct
- Serious Incident Policy
- Health and Safety Policy

For further information on concerns around Fundraising practice:

<https://www.fundraisingregulator.org.uk/wp-content/uploads/2017/02/Consultation-responses-summary-and-code-changes-1.pdf>

13. Data protection

When an individual makes a disclosure, Alexandra Palace will process any personal data collected in accordance with our 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.

14. Status of policy

This procedure is a statement of current Alexandra Palace policy taking into account current legislation. Alexandra Palace therefore reserves the right to amend the procedure as necessary to meet any changing requirements.

Date	Version	Author	Amendments
03.10.2017	V2	Catherine Solomon	Includes reference to fundraising code and fundraising practice
02.08.18	V3	Catherine Solomon	Data Protection section 13 added
18.09.18	V4	Catherine Solomon	Direct phone number & email address added
11.03.19	V5	Catherine Solomon	Contact details amended for independent advice for Protect (formerly <i>Public Concern at Work</i>)
25.06.19	V6	Nat Layton	Stage 3 Charity Commission guidance link added