


Alexandra Palace & Park Board	on 18 th October 2011
Report Title: Governance Update	
Report of: Andrew Gill, Interim General Manager, Alexandra Palace & Park Charitable Trust	
<p>1. Purpose</p> <p>1.1 To report back on progress, following previous resolutions of the Board in the areas of;</p> <ul style="list-style-type: none"> a) Structural changes to streamline processes and systems - the review of the APP Statutory Advisory Committee (APPAC) and Consultative Committee (APPCC). b) Policy and Procedure, to be incorporated in the Trust's governing documents (the Trustee Handbook). <p>It is envisaged that this shall be the last Governance Update report until such time as the Board considers matters deemed appropriate to refer by the Chief Executive (Alexandra Park & Palace).</p>	
<p>2. Recommendations</p> <p>2.1 That the Board notes the progress made towards streamlining the committee structure at Alexandra Park & Palace.</p> <p>2.2 That the Board considers the proposed amendment by the CC and SAC to the Constitution of the Consultative Committee to allow the membership of the CC to decide the Chair of that committee.</p> <p>2.3 That, pending its approval of the amendment to the Constitution of the Consultative Committee, the Board delegates to the Committee Clerk in consultation with the Chief Executive (Alexandra Park & Palace);</p> <ul style="list-style-type: none"> 2.3.1 The precise wording of the amendment to the Constitution 2.3.2 Obtaining Full Council approval to the amendment to the Constitution <p>2.4 That the Board considers and adapts or otherwise amends the draft Anti Bribery Policy.</p> <p>2.5 That the Board considers and adopts or otherwise amends the draft Whistleblowing Policy.</p>	
Report Authorised by: Andrew Gill, Interim General Manager	
	
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<p>3. Executive Summary</p> <p>3.1 This report updates the Board on progress in implementing its previous resolutions on Governance and Future Vision and seeks approval to two new policies for incorporation</p>	

<p>in governing documentation.</p> <p>3.2 The new Chief Executive Officer Duncan Wilson OBE has been appointed and will be formally welcomed by the Board at this meeting. The Interim General Manager is in the process of handing over to Mr Wilson.</p> <p>3.3 Progress has been made towards streamlining the committee structure at Alexandra Park and Palace and reducing the number of Committee meetings requiring the attendance of Members and volunteers and the support of officers.</p> <p>3.4 This report details the above progress and asks the Board to consider an amendment to the Constitution of the Consultative Committee for subsequent approval by Full Council.</p> <p>3.5 Appended to this report are two draft procedures which the Board is asked to consider and either adopt or amend; a Whistleblowing Policy and an Anti Bribery Policy</p>
<p>4. Reasons for any change in policy or for new policy development (if applicable)</p> <p>4.1 Resolutions made by the Board at previous meetings during 2010 and 2011.</p>
<p>5. Local Government (Access to Information) Act 1985</p> <p>5.1 N/A</p>
<p>6. Appendices</p> <p>Appendix 1 – Constitution of the Alexandra Park and Palace Consultative Committee</p> <p>Appendix 2 – Draft Whistleblowing Policy</p> <p>Appendix 3 – Anti Bribery Policy</p>

7. Description

- 7.1 The Board has received a number of reports at its past meetings concerning matters arising from its Review of Governance and Future Vision, including a review of the Alexandra Park and Palace Advisory Committee and Alexandra Palace and Park Consultative Committee, and new governance arrangements detailed in its Trustee handbook.
- 7.2 Since the last meeting of the Board on 21 July 2011 work by volunteers and officers on implementing the Board's resolutions in these matters has continued.
- 7.3 At its meeting on 28 March 2011 the Board received a report on Executive Restructuring and the Board approved the initial process for the appointment of a new Chief Executive for Alexandra Park and Palace. The new Chief Executive Officer Duncan Wilson OBE has been appointed and will be formally welcomed by the Board at this meeting.
- 7.4 The Interim General Manager has been asked to handover to Mr Wilson during October and Mr Gill will be leaving the employ of Haringey Council at the end of October 2011.
- 7.5 It is envisaged that this shall be the last Governance Update report until such time as the Board considers matters deemed appropriate to refer by the Chief Executive (Alexandra Park & Palace).

7.6 Structural changes to streamline processes and systems

- 7.6.1 At its meeting on 15 February 2011 the Board resolved that approval be given in principle to the adoption of a two-stage process with stage one the immediate implementation of a joint Alexandra Park and Palace Statutory Advisory Committee, and Alexandra Palace and Park Consultative Committee (Model 1) and stage two a reconstituted Alexandra Park and Palace Statutory Advisory Committee (Model 2).
- 7.6.2 The Board instructed the Interim General Manager to investigate the practicalities of having a single SAC and CC and to seek legal and Charity Commission advice in order to advise further on this matter. Those tasks have been completed and reported to Board Members in their capacity as members of the Consultative Committee.
- 7.6.3 Various meetings have been held during the summer of the Consultative Committee Working Group and representatives of the SAC, with the Chair of the Board and the IGM attending as appropriate and invited.
- 7.6.4 The Consultative Committee Working Group submitted its proposals to the Chair on 19 July 2011. The IGM advised that the proposals, while compromised in that they do not achieve a single committee, represented the best way forward under the current legal and committee framework. The result would be one evening of meetings that achieved Model 1 and went as far as possible within the current legislative framework to achieving Model 2.
- 7.6.5 While the Chair of the Board would have preferred one committee, he expressed his satisfaction with the outcome of the Review and his thanks and great appreciation of the work put in by the Working Group's members and its Chair, Mr Colin Marr.
- 7.6.6 The Consultative Committee (at its meeting on 6th September 2011) agreed the following recommendations of the Consultative Committee Working Group, (which met on Monday 18th June 2011) as a way forward for the Joint SAC/CC:
- In the spirit of building on what has already been achieved, there are further improvements to the joint meeting arrangements that could be made. See below:
 - Retain the joint meeting approach, but structure the meeting as effectively two separate meetings held consecutively in sequence, first the CC followed by the SAC.
 - The agenda could be common for both parts.
 - Councillor trustee members of the CC should attend and take part in the first meeting just as they would for the CC now. SAC members could be involved in the first meeting as participating but non-voting observers.
 - For the second part, which would be ring-fenced as formal SAC, members of the CC could attend as non participating observers.
 - Chairman of the SAC would be as of now, and chairman of the CC would be decided by the membership.

- 7.6.7 The Advisory Committee agreed the same recommendations at its meeting on 13th September 2011, which was preceded by the third 'Joint Meeting'.
- 7.6.8 In the spirit of co-operation and transparency that has been apparent throughout this review, it was suggested that it may be possible for the Chair of CC to be someone other than the Chair of the Board.
- 7.6.9 The Chair of the Board indicated his willingness for this to be the case and the IGM was asked by the Committees to put to the Board the question of which person could chair the Consultative Committee.
- 7.6.10 The Constitution of the Consultative Committee (attached at appendix 1) states;
- (i) The Chair of the Consultative Committee shall be the person for the time being holding office of Chair of the Alexandra Palace and Park Board.
- 7.6.11 The suggestion is that the Board approves the proposal by the SAC and CC that the Chair of the CC be decided by its membership. If the Board is minded to accept the proposal then the CC Constitution would be suitably amended to reflect this.
- 7.6.12 The Committee Clerk will be able to advise the Board on the precise process and the Board may wish to delegate the wording of the amendment to the Committee Clerk in consultation with the Chief Executive (Alexandra Park & Palace)
- 7.6.13 The Board's proposed amendment would need to be ratified by full Council and again the Board may choose to delegate this to the Committee Clerk in consultation with the Chief Executive (Alexandra Park & Palace).

7.7 Policy and Procedure

- 7.7.1 **Adoption of a Whistleblowing Policy.** While the Trust has hitherto informally relied on the guidance contained in the Council's Whistleblowing Policy, it has not formally adopted such a policy.
- 7.7.2 The adoption of a Whistleblowing Policy is recommended as part of the NCVO Code of Good Governance as part of a charity's supporting documentation.
- 7.7.3 Attached at appendix 2 is a draft Whistleblowing Policy which the Board is asked to consider and to either adopt or amend.
- 7.7.4 Subject to approval, the Whistleblowing Policy would be incorporated in the Trust's Staff handbook and be placed in the Trustee Handbook and on the Governance page on the Alexandra Palace web site.

7.7.5 Adoption of an Anti Bribery Policy

- 7.7.6 As Board Members will be aware, the Bribery Act came into force on 1st July 2011. The Act places certain responsibilities on employers to prevent bribery in the workplace and introduces penalties for those organisations where such behaviour is condoned.
- 7.7.7 Bribery is, in the conduct of the Company or Trust's business, the offering or accepting of any gift, loan, payment, reward or advantage for personal gain as an encouragement to do something which is dishonest, illegal or a breach of trust.
- 7.7.8 The Trust and APTL have implemented an Anti Bribery Policy at operational level and all staff have been informed of this but the Policy has not yet been approved and formally adopted by the Board.
- 7.7.9 Attached at appendix 3 is the current Anti Bribery Policy which the Board is asked to consider and to either adopt or amend.
- 7.7.10 Subject to approval, the Anti Bribery Policy would be incorporated in the Trust's Staff handbook and be placed in the Trustee Handbook and on the Governance page on the Alexandra palace web site.

Consultation

- 7.1 There has been no specific consultation on this report beyond the liaison with the APP Statutory Advisory Committee, APP Consultative Committee and the Consultative Committee Working Group.

8 Recommendations

- 8.1 That the Board notes the progress made towards streamlining the committee structure at Alexandra Park & Palace.
- 8.2 That the Board considers the proposed amendment by the CC and SAC to the Constitution of the Consultative Committee to allow the membership of the CC to decide the Chair of that committee.
- 8.3 That, pending its approval of the amendment to the Constitution of the Consultative Committee, the Board delegates to the Committee Clerk in consultation with the Chief Executive (Alexandra Park & Palace);
- The precise wording of the amendment to the Constitution
 - Obtaining Full Council approval to the amendment to the Constitution
- 8.4 That the Board considers and adapts or otherwise amends the draft Anti Bribery Policy.
- 8.5 That the Board considers and adopts or otherwise amends the draft Whistleblowing

9 Legal Implications

- 9.1 The Trust's Solicitor's had no comment on this report.
- 9.2 The Council's Acting Head of Legal Services has been consulted in the preparation of this report, and comments as follows.
- 9.3 With regard to the recommendation to amend the Constitution of the Consultative Committee to facilitate the possibility of someone other than the Chair of the Board also being the Chair of that Committee, no direct legal issues arise. However, any change should still preserve the objective within the Committee's Constitution "To promote better understanding between the Board of Trustees, the Palace management and local organisations". See Appendix 1 at page 7.
- 9.4 With regards to the Whistleblowing and Bribery policies, the Council's Acting Head of Legal Services understands that the same follows the Council's and, the main points of the CIPFA best practice guidance, respectively.

10 Financial Implications

- 10.1 There are no financial implications arising from the matters covered in this report beyond the usual officer time in implementing the Board's resolutions.
- 10.2 The London Borough of Haringey Chief Finance Officer notes the contents of this report and welcomes the introduction of the two policies.

10.3 Use of Appendices/Tables/Photographs

- 10.3.3** Appendix 1 – Constitution of the Alexandra Park and Palace Consultative Committee
- 10.3.4** Appendix 2 – Draft Whistleblowing Policy
- 10.3.5** Appendix 3 – Anti Bribery Policy

APPENDIX 1

London Borough of Haringey Alexandra Park and Palace Charitable Trust

ALEXANDRA PALACE AND PARK CONSULTATIVE COMMITTEE

CONSTITUTION

1. OBJECT

1. To give representatives of appropriate local and national organisations the opportunity of full discussion on general matters affecting Alexandra Palace and Park.
2. To give the Board of Charity Trustees the opportunity of discussion and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
3. To promote better understanding between the Board of Trustees, the Palace management and local organisations.
4. To enable appropriate local (and national) organisations to participate in decisions of direct concern to them.
5. To further the Alexandra Palace and Park as a conservation area.

2. CONSTITUTION

1. TITLE

The Committee shall be called "The Alexandra Palace and Park Consultative Committee".

2. ORGANISATION

(a) Membership

- (i) The Board of Charity Trustees shall be the representatives of the Charitable Trust.

(ii) Organisations which fulfil the criteria set out in sub-paragraphs (a) to (e) below shall be eligible to apply for membership of the Consultative Committee. Such application shall be made to the Alexandra Palace and Park Board for approval.

- (a) Local residents associations, properly constituted, whose membership includes at least 50 households resident within Alexandra, Bounds Green, Fortis Green, Hornsey, Muswell Hill and Noel Park Wards of the London Borough of Haringey.
 - (b) Local organisations which are not residents associations but which demonstrate a sufficient interest in the Palace as an historic building or an interest in the use of the Palace and Park for leisure and recreation purposes or an interest in the dissemination of information about the Palace and Park.
 - (c) National organisations which demonstrate a sufficient interest as defined in (b) above.
 - (d) Lessees for the time being of the London Borough of Haringey within the Alexandra Palace and Park; and
 - (e) Trade Unions representing staff employed by the London Borough of Haringey at Alexandra Palace and Park.
- (iii) Where an organisation has been accepted for membership of the Consultative Committee it shall be entitled to nominate a representative as follows:
- (a) Local and national organisations – One named representative with full voting powers.
 - (b) Lessees – One named non-voting representative
 - (c) Trade Unions – One named representative with full voting powers.

- (iv) There shall not be more than 30 associations appointed to membership of the Consultative Committee at any one time.
- (v) For the avoidance of doubt it is hereby declared that:
 - (a) Where a Charity Trustee ceases to hold that position he/she shall cease to be a Member of the Consultative Committee and their successor shall automatically become a Member.
 - (b) Where a lease has come to an end by effluxion of time or otherwise the lessee shall no longer be entitled to membership of the Consultative Committee; and
 - (c) Where any person ceases to be the duly appointed representative of a local or national organisation, lessee or Trade Union, she/he shall not be entitled to membership of the Committee and the organisation shall be entitled to nominate a successor.
- (vi) Membership of the Consultative Committee from residents and local organisations shall be elected following nomination by voting at their A.G.M or at a general meeting to which all paid up membership is invited.
- (vii) Organisations accepted for membership of the Consultative Committee shall notify the Secretary of the name of their representative and deputy before the first Consultative Committee meeting of each Municipal Year. If for any reason neither the representative nor the deputy can attend a meeting of the Consultative Committee the organisation shall, wherever possible, inform the Secretary to the Consultative Committee before the meeting of the name of the person representing them.
- (viii) In the event of a vacancy arising, whether by resignation, removal or otherwise, applications for membership to fill the vacancy shall be considered within six weeks or as soon as reasonably possible thereafter.

- (ix) Organisations accepted for membership of the Consultative Committee shall, if requested by the Secretary, supply information concerning their membership, constitution and activities. Such information will usually be requested to be submitted not later than one month before the first meeting of the Consultative Committee in each Municipal Year. When requested, organisations should provide summaries of their objectives in relation to the running and any future developments at the Palace and Park.

(b) Chair

- (i) The Chair of the Consultative Committee shall be the person for the time being holding office of Chair of the Alexandra Palace and Park Board.
- (ii) In the event of the Chair not being present at the meeting, the Consultative Committee shall elect a Chair for the meeting.

(c) Deputies

Any Member of the Consultative Committee unable to attend a meeting may be represented at that meeting by a duly qualified deputy, provided that such Member or the deputy gives notice to the Secretary before the meeting.

(d) Secretary

The Head of Local Democracy and Member Services or their representative shall be the Secretary to the Consultative Committee.

(e) Officers

Officers of the Charity shall attend meetings of and give advice to the Consultative Committee at the invitation of the Chair.

3. REPRESENTATION ON THE ALEXANDRA PALACE AND PARK BOARD

The Consultative Committee shall nominate three of its Members by majority vote of all Members present at the Consultative Committee, to act as representatives on the Board, without voting powers, but with an obligation to report the views of the Consultative Committee to the Board and decisions of the Board to the Consultative Committee.

4. TERMS OF REFERENCE

The Consultative Committee shall be primarily consultative in nature. Every aspect of Alexandra Palace and Park shall be open to discussion and consideration by the Consultative Committee.

5. RULES

- (i) The Consultative Committee shall meet at least three times a year, but a special meeting shall be called by the Secretary within seven days of receipt by him/her of a requisition signed by the Chair or on behalf of a majority of Member organisations, that meeting to be held within three weeks of receipt of the requisition.
- (ii) All meetings of the Consultative Committee shall be open to the press and public unless otherwise agreed by the Consultative Committee.
- (iii) Any Member of the Consultative Committee may request an item to be placed on the agenda for the next meeting. The matters to be discussed at a meeting of the Consultative Committee shall be determined by the Chair and stated upon the notice summoning the meeting. At the conclusion of each meeting the Chair

may permit questions or comments upon matters of which notice has not been given provided they do not require a substantial decision from the Consultative Committee at that meeting and provided this could not more conveniently be referred to the next meeting. Individual management matters shall not be brought to the Consultative Committee unless the organisation concerned has first raised the matter with the General Manager, Alexandra Palace without satisfactory results.

- (iv) Meetings shall normally be held at Alexandra Palace and shall commence at 7.30 pm and terminate by 9.30 pm.
- (v) There shall be minutes taken of all meetings of the Consultative Committee for circulation to all Members of the Consultative Committee. The Minutes shall be submitted to the next or subsequent meeting of the Consultative Committee. Any recommendations shall be submitted to the Alexandra Palace and Park Board.
- (vi) Recommendations shall be arrived at only by agreement of a majority of Members entitled to vote. Voting shall normally be by show of hands.
- (vii) Any matter not provided in the rules and any question of interpretation shall be determined by the Alexandra Palace and Park Board.
- (viii) This Constitution as amended came into force on 24 November 1980 when it was approved by the Council. Any further amendment shall require the approval of the Alexandra Palace and Park Board and be reported to Council.

(Last amended by the Alexandra Palace and Park Board on 18th October 2011)

WHISTLEBLOWING POLICY

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WHISTLEBLOWING

BACKGROUND

The Government's paper on an ethical framework for local government proposed that every local authority should institute a procedure for whistleblowing, which would enable workers to raise concerns about malpractice confidentially inside and, if necessary, outside the organisation. In line with these proposals, Haringey Council designed a whistleblowing policy based on guidance from the Local Government Board (LGMB).

To have proper procedures in place to cover whistleblowing is also recommended by the NCVO Code of Good Governance (as part of a charity's supporting documentation).

The Trust's whistleblowing policy is based on Haringey Council's policy and it is kept under review to ensure it complies with relevant guidance and best practice.

The Whistleblowing Policy is set out in full on page 3 with additional Guidance for Managers on page 7. Key points from the Policy are listed below together with information on the Public Interest Disclosure Act which provides protection for whistleblowers.

SUMMARY OF WHISTLEBLOWING POLICY

- Where a worker has concerns about malpractice (and it is not appropriate to raise them through other procedures) they should be raised with:
 - either (a) The worker's line manager
 - or failing that (b) The line manager's manager (grandparent role) or the Head of Finance or Human Resources
 - 2nd step (c) Chief Executive (Alexandra Park & Palace)
 - 3rd step (d) Trustees
 - final step (e) an external organisation - i.e. Deloitte. This is the Trust's independently appointed External Auditor and can be contacted at sbarratt@deloitte.co.uk
- The Trust will provide a written response to the whistleblower, assuming the referral is not made anonymously, within ten days indicating how it proposes to deal with the concerns raised.
- The Trust will seek to protect the worker's identity when they raise a concern and do not want their name to be disclosed. However, during the investigation the source of the information may be revealed and individuals may be required to provide a statement.
- The Trust will not tolerate harassment or victimisation and will take action to protect a worker raising a concern in good faith.

- Investigations conducted under this Policy will follow the same process as the Disciplinary Procedures for investigating cases of misconduct/gross misconduct.
- If employees make an allegation which they believe to be genuine but is then not proven, no action will be taken against them. However, employees who maliciously raise an unfounded concern may have disciplinary action taken against them.

PUBLIC INTEREST DISCLOSURE ACT

Protection for Whistleblowers

Under the Public Interest Disclosure Act 1998, a worker will have the right not to suffer detriment or be unfairly dismissed as the result of speaking out about crime, fraud, miscarriages of justice, dangers to health and safety, breaches of civil service code or risks to the environment.

The Whistleblower must reasonably believe that one of the conditions that constitutes a qualifying disclosure is occurring, and must make the disclosure in good faith and not for personal gain.

A qualifying disclosure means any disclosure of information which in the reasonable belief of the worker making the disclosure tends to show one or more of the following:

- that a criminal offence has been committed, is being committed, or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged.

If workers wish to raise the matter externally rather than internally, they will be protected only if they can show that they are not motivated by personal gain and that they reasonably believe the information they are giving is true.

If victimised by their employers, whistleblowers can bring a claim to an employment tribunal for compensation. Awards will be uncapped and based on the losses suffered. Gagging clauses in employment contracts and severance agreements will be void.

WHISTLEBLOWING POLICY

INTRODUCTION

Workers at Alexandra Park & Palace have an important role in helping the organisation to promote good practice while providing a service to the community and clients.

Workers are usually the first to know when something is going seriously wrong - be it a serious danger to the public or a major fraud. All too often the alarm is not sounded on malpractice. The

result is that the people in charge do not get the chance to take action before real damage is done.

Whistleblowing policies aim to ensure that serious concerns are properly raised and addressed in the workplace and are increasingly recognised as a key tool to deliver good practice. It is essential for the Trust that a whistleblowing policy/procedure is in place and well publicised so all staff are aware of what is required of them.

We must ensure that the code meets the requirements of the Trust's equality policies and is not misused in any way to discriminate against minority groups.

1. Who it applies to

This policy applies to all Trust workers which includes senior and junior members of staff. The following sections set out what you should do and how the Trust will respond in cases which are referred under this policy.

2. How you identify matters of concern

That concern may be something that:-

- is unlawful
- is against the Trust's standing orders or policies
- falls below established standards or practice
- amounts to improper conduct
- involves clients or the public being put in danger
- involves funds being stolen or wasted.

This is not an exhaustive list and you should speak to your manager, or contact one of the people or organisations listed below, if you need further advice.

3. How to raise your concern

Where you have concerns about malpractice and it is not appropriate to raise them through other procedures such as grievance procedures, they should be raised with:-

either (a) The worker's line manager

or failing that (b) The line manager's manager (grandparent role) or the Head of Finance or Human Resources

2nd step (c) Chief Executive (Alexandra Park & Palace)

3rd step (d) Trustees (via the Chair of the Board)

final step (e) an external organisation - i.e. Deloitte. This is the Trust's independently appointed External Auditor and can be contacted at sbarratt@deloitte.co.uk

The decision to raise concerns with the managers listed above, will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you believe that the Trusts' management or a Trustee (including the Chair) is involved, you could approach any of the following senior officers at the London Borough

of Haringey: the Monitoring Officer (usually the Head of Legal Services), the Head of Audit and Risk Management, the Head of Human Resources or Deloitte, the Trust's external Auditors.

4. How the Trust will respond

Within ten days of a concern being raised the responsible person will:-

- Assess the complaint and identify the most effective process to use to investigate the allegations raised.
- Notify the Head of Audit and Risk Management that a complaint has been raised to ensure it is recorded properly in accordance with this policy.
- write to the person raising the complaint, assuming that the referral has not been made anonymously, to acknowledge their complaint
- indicate how they propose to deal with the matter raised
- give an estimate of how long it will take to provide a final response
- provide individuals with information on staff support mechanisms.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment. A grievance should be seen as a direct concern to individuals whilst whistleblowing concerns the wider organisation.

This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures These include:-

- conduct which is an offence or a breach of law
- health and safety risks, including risks to the public as well as other employees
- the unauthorised use of public funds
- possible fraud and corruption
- damages to the environment
- sexual or physical abuse of clients
- other unethical conduct.

5. Investigating the case

Following an allegation, where appropriate, an independent and impartial manager will be involved in the investigation.

Managers will make sure that the investigation is carried out as quickly and as thoroughly as possible.

Once an investigation commences, every effort will be made to bring it to an early conclusion.

To conduct an investigation under the Whistleblowing Policy, managers will follow the same process as the Disciplinary Procedures for investigating cases of misconduct/gross misconduct.

An investigation may conclude that, potentially, there has been a breach of the Trust's Staff Handbook and Disciplinary Rules. In these circumstances, management would invoke the disciplinary process.

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

The Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for you to receive advice about the procedure.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the progress and outcome of any investigation.

6. The responsible officer

The Chief Executive (Alexandra Park & Palace) has overall responsibility for the maintenance and operation of this policy. The Head of Finance will maintain a record of concerns raised and the outcomes (but in a form which does not breach your confidentiality) and will report as necessary to the Trust.

7. How the matter can be taken further

This policy is intended to provide you with an avenue **within** the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- Deloitte – The Trust's External Auditors
- your trade union
- your local Citizens Advice Bureau
- the Council's external Auditor (currently Grant Thornton)
- the Police.

If you do take the matter outside the Trust, you should ensure that you do not disclose confidential information. Check with the contact point about that.

8. Protection for Whistleblowers - Confidentiality

The Trust will seek to protect an individual's identity when they raise a concern and do not want their name to be disclosed. However, during the investigation the source of the information may be revealed and the individual may be required to provide a statement.

9. Untrue Allegations

If you make an allegation which you think is genuine but is not proven, no action will be taken against you. If, however, you maliciously raise an unfounded concern, then disciplinary action may be taken against you.

10. Anonymous Allegations

The policy encourages individuals to put their name to their allegations. However, it is understood that some people may wish to remain anonymous. Concerns expressed in this way are much less powerful, but will be considered, at the discretion of the Trust.

In exercising the discretion the factors to be taken into account would include: the seriousness of the issues raised, and the credibility of the concern.

11. Victimisation

The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

If you do receive reprisals from those responsible for the malpractice or any other member of staff, they may be disciplined under the Trust's procedures.

12. Contracting Organisations

These arrangements will be extended, with appropriate variations, to staff of contracting organisations. Such arrangements will be carefully confined to those areas of activity relating specifically to contractors' relationships with the Trust and should not extend to contractors' internal arrangements.

It is necessary for all involved in the process, i.e. Trust staff, whistleblowers and anyone accused of malpractice, for whistleblowing to be dealt with properly, quickly and discreetly to make the process efficient, fair and effective.

WHISTLEBLOWING - GUIDANCE NOTES FOR MANAGERS

WHAT IS WHISTLEBLOWING

Whistleblowing is when a worker discloses, i.e. 'blows the whistle' on, any wrongdoings such as fraud, malpractice, mismanagement, breach of any health and safety law or any other illegal act, either on the part of management or by fellow workers.

It often happens when:-

- i) workers have tried to complain through internal channels and have failed
- ii) the organisation's culture persuades workers that complaints will be ignored
- iii) the person committing malpractice is the worker's direct boss and/or at the top of the organisation, so again workers feel to complain directly would be useless and result in victimisation.

Management Responsibility

When workers discover something is wrong they should be encouraged to report the malpractice. This gives managers the chance to correct any malpractice before the issue escalates.

Managers must try to ensure that workers who make a complaint have confidence that:

- a) it is going to be properly investigated and addressed
- b) they will suffer no detriment as a result of speaking out.

N.B. Victimising or deterring workers from raising legitimate concerns is a serious disciplinary offence. Whistleblowers are also afforded protection under the Public Interest Disclosure Act (see page 2).

Managers must have respect for the confidentiality of workers raising concerns if they (the workers) so wish. However, workers should be made aware that during the investigation the source of the information may need to be revealed and the individual may be required to provide a statement.

In all cases where an employee uses the Trust's Whistleblowing policy to raise their concerns, the person receiving the concern must notify the Chief Executive (Alexandra Park & Palace) or the Head of Finance. They are the Trust's nominated officer for recording any Whistleblowing referrals and are required to maintain a log, which ensures confidentiality, and provide periodic information on the use of the Whistleblowing policy.

Internal reporting mechanisms for dealing with whistleblowing complaints

As a first step, individuals should normally raise concerns with their line manager or their manager's manager (grandparent role) or the Chief Executive (Alexandra Park & Palace). Secondly, if for example they believe management or a Trustee (including the Chair) is involved, they should approach any of the following senior officers at the London Borough of Haringey: the Monitoring Officer (usually the Head of Legal Services), the Head of Audit and Risk Management, the Head of Human Resources or Deloitte, the Trust's external Auditors.

The next step should be to Trustees (via the Chair) and finally to an external agency (see below).

Depending on the seriousness of the allegation and who is suspected of the malpractice, individuals may wish to report directly to the Chief Executive (London Borough of Haringey).

It must be emphasised that, before deciding on using external mechanisms, a final request to the Chief Executive (Alexandra Park & Palace) or Trustees should be encouraged.

If whistleblowers fear that their employer will bring retribution, they can make a wider disclosure to the police, the media or MPs.

External Reporting Mechanisms

If individuals do not feel confident using the internal reporting channels they should contact **Deloitte**, an external organisation who are the Trust's independently appointed External Auditor and can be contacted at sbarratt@deloitte.co.uk

ANTI-BRIBERY POLICY

Introduction

Bribery is, in the conduct of the Company or Trust's business, the offering or accepting of any gift, loan, payment, reward or advantage for personal gain as an encouragement to do something which is dishonest, illegal or a breach of trust.

Bribery is a criminal offence. The Company and Trust prohibit any form of bribery. We require compliance, from everyone connected with our business, with the highest ethical standards and anti-bribery laws applicable. Integrity and transparency are of the utmost importance to us and we have a zero tolerance attitude towards corrupt activities of any kind, whether committed by our employees or by third parties acting for or on behalf of Alexandra Palace.

Offences

It is a criminal offence to:

- offer a bribe;
- accept a bribe;
- bribe a foreign official;
- as a commercial organisation, to fail to prevent a bribe.

You should be aware that if you are found guilty by a court of committing bribery, you could face up to 10 years in prison and/or an unlimited fine. The Company/Trust could also face prosecution and be liable to pay a fine.

Purpose

The purpose of this policy is to convey to all employees and interested parties of Alexandra Palace the rules of the Company and Trust in relation to our unequivocal stance towards the eradication of bribery and our commitment to ensuring that Alexandra Palace conducts its business in a fair, professional and legal manner.

Scope

This policy applies to all employees of Alexandra Palace, regardless of seniority. It also extends to anyone working for or on our behalf e.g. those engaged by us on a self-employed basis or under an agency arrangement.

We will encourage the application of this policy where our business involves the use of third parties e.g. suppliers; contractors.

Policy

It is prohibited, directly or indirectly, to offer, give, request or accept any bribe i.e. gift, loan, payment, reward or advantage, either in cash or any other form of inducement, to or from any person or company in order to gain commercial, contractual or regulatory advantage for the Company or Trust, or in order to gain any personal advantage for an individual or anyone connected with the individual in a way that is unethical.

It is also prohibited to act in the above manner in order to influence an individual in his capacity as a foreign public official. You should not make a payment to a third party on behalf of a foreign public official.

If you are offered a bribe, or a bribe is solicited from you, you should not agree to it unless your immediate safety is in jeopardy. You should immediately contact your Line Manager or a member of the SMT so that action can be taken if considered necessary. You may be asked to give a written account of events.

If you, as an employee or person working on our behalf, suspect that an act of bribery, or attempted bribery, has taken place, even if you are not personally involved, you are expected to report this to your Line Manager or a member of the SMT. You may be asked to give a written account of events.

Appropriate checks will be made before engaging with suppliers or other third parties of any kind to reduce the risk of our business partners breaching our anti-bribery rules.

The Company and Trust will ensure that all of its transactions, including any sponsorship or donations given to the charity, are made transparently and legitimately.

Alexandra Palace will take any actual or suspected breach of this policy extremely seriously and will carry out a thorough investigation should any instances arise.

We will uphold laws relating to bribery and will take disciplinary action against any employee, or other relevant action against persons working on our behalf or in connection with us, should we find that an act of bribery, or attempted bribery, has taken place. This action may result in your dismissal if you are an employee, or the cessation of our arrangement with you if you are self-employed, an agency worker, contractor etc.

Staff are reminded of the Company's Public Interest Disclosure Policy which is available in the Employee Handbook, Section 7.19 – page 57, or upon request.

Gifts and hospitality

We realise that the giving and receiving of gifts and hospitality where nothing is expected in return helps form positive relationships with third parties where it is proportionate and properly recorded. This does not constitute bribery and consequently such actions are not considered a breach of this policy.

Gifts include money; goods (flowers, vouchers, food, drink); services or loans given or received as a mark of friendship or appreciation.

Hospitality includes entertaining; meals or event tickets given or received to initiate or develop relations. Hospitality will become a gift if the host is not present. For clarity, the Trust's policy on hospitality is that it is unacceptable to;

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy; and
- engage in activity in breach of this policy.

A record will be made of every instance in which gifts or hospitality are given or received.

As the law is constantly changing, this policy is subject to review and the Company/Trust reserves the right to amend this policy without prior notice.