



**KILMARNOCK LEISURE CENTRE TRUST
T/A THE GALLEON CENTRE**

WHISTLEBLOWING POLICY AND PROCEDURE

1 POLICY STATEMENT

- 1.1 Kilmarnock Leisure Centre Trust is committed to creating an environment which encourages and supports employees to express their concerns freely. Therefore the Trust considers it appropriate to instigate a procedure that allows employees, without fear of recrimination, to disclose factual information which relates to some danger, fraud or other illegal or unethical conduct conducted with the workplace, be it of a colleague, a member of the trust, a member of a partner organisation or a member of the public.

2 RESPONSIBILITY

- 2.1 This procedure applies to all employees of the Kilmarnock Leisure Centre Trust.
- 2.2 All employees have a right to raise any matter of concern regarding **serious malpractice** within the Trust – its business responsibilities or in any organisation operated by wholly or partly by the Trust.
- 2.3 This procedure is not designed to replace the Grievance or Equal Opportunities Procedure (Harassment) which are used to consider employee concerns relating to terms and conditions of service and personal harassment, respectively.

3 PURPOSE

- 3.1 The purpose of this procedure is to provide employees with a confidential means of raising **serious bona fide concerns** with their employer. Employees are encouraged to report any situation or matter which, they reasonably believe, might show that one or more of the following has occurred, is occurring or is likely to occur in the future;

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- A damage to the environment
- A deliberate cover-up of any of the above matters
- A serious act of misconduct
- A serious breach of the Trust's conduct rules

This reporting procedure should also be followed if Employees feel that they have been asked to do something which they believe to be improper or unethical or would result in them being implicated in any of the matters listed above.

The procedure outlined below enabled an Employee to come forward in confidence with their concerns without fear of being punished for doing so and to have those concerns thoroughly investigated. Once an investigation has taken place, a decision will be made as to what action, if any, should be taken to address the problems.

- 3.2 The making of false allegations with malicious intent may subject the employee to disciplinary proceedings.

4 PROCEDURE

- 4.1 Any employee who wishes to raise a concern has the option of contacting either the Duty Manager, Deputy General Manager or the General Manager of the Galleon Centre (T/a Kilmarnock Leisure Centre Trust). It is the responsibility of the employee to confirm to the member of staff contacted that they wish to raise their concern in accordance with this procedure in order to avoid any misunderstanding of the status of the concern.
- 4.2 The member of staff contacted will interview the employee, as soon as reasonably practicable, and assess what further action, if any, should be taken, which may include formal investigation of the concern under the disciplinary or Whistle Blowing Procedures.
- 4.3 The member of staff raising the concern will be informed of the outcome of any investigation, as soon as reasonably practicable, and where no action is taken an explanation will be provided.
- 4.4 If these channels have been followed but the employee continues to have concerns or feels that Senior Managers are implicated then the staff member can contact either the General Manager of the Galleon Centre, or if the concern is with the General Manager, then the employer can contact a member of the Board of Trustees.

- 4.5 At the end of the procedure details of the case will be forwarded to the General Manager of the Galleon Centre who will maintain a record of cases in a central location. The purpose of this record is to ensure a central register is maintained which can be used to monitor any common areas of concern.

5 ASSURANCES

- 5.1 Concerns raised by staff will be promptly dealt with in a serious and sensitive manner.
- 5.2 Employees are assured that their concerns will be dealt with in a confidential manner. Where anonymity is requested every effort will be made to meet that request. However, where there is a requirement to involve the employee in any investigatory/disciplinary process which may disclose their identity, then this will only be undertaken with the full agreement of the employee.
- 5.3 Employees who make use of the procedure may be accompanied by their Trade Union Representative or fellow colleague at any meeting emerged.
- 5.4 The Trust will not tolerate any harassment or victimisation of any member of staff who raises concerns with this procedure.

6 CONFIDENTIALITY

- 6.1 The purpose of this procedure is to enable employees to raise their concerns in-house and see that prompt action is taken to remedy the situation.

7 MONITOR AND REVIEW

- 7.1 The General Manager of the Galleon Centre will be responsible for the ongoing monitoring and review of this policy and procedure and shall be available to offer assistance to employees on the interpretation and application of this policy procedure.

HOW TO RAISE A CONCERN EXTERNALLY

It should only be in exceptional circumstances that it should be necessary for an Employee to raise a concern externally. It is accepted however that an Employee may disclose information to a legal adviser in the course of obtaining legal advice. Provided the disclosure is made in the public interest and the Employee believes it to be substantially true, he or she may also disclose information to one of a number of prescribed "supervisory persons" that protected disclosures may be made to under the Act – such as the Health & Safety Executive for health & safety matters.

Employees should seek independent advice before raising concerns externally so that they can be advised on whether the proposed disclosure may be protected under the Act. Such advice can be obtained from the charity Public Concern at Work. Further information can be found by looking at the website: <http://.pcaw.co.uk>.

Employees can be assured that no one who reports any concern under this policy will suffer any detriment for coming forward, regardless of whether or not the concern is ultimately substantiated. Victimising staff for or deterring them from raising a concern under this policy is a disciplinary offence and will be dealt with under the disciplinary procedures.

Employees should be aware that the disclosure to the media or to non-prescribed person will not usually be protected unless there are extreme circumstances and that non-protected disclosures may lead to disciplinary action being taken.

HOW THE TRUST WILL HANDLE ALLEGED DETRIMENT

If an Employee believes that he or she is being victimised by or suffering any detriment from someone from within the Trust as a result of reporting a concern or assisting in any investigation, he or she must inform the Employee's line manager immediately and appropriate action will be taken to protect the Employee.

DISCIPLINARY ACTION

Disciplinary action will be taken against anyone who:

- Deliberately makes false or malicious allegations
- Makes disclosures for personal gain
- Makes a non-protected disclosure without exhausting the internal procedure
- Victimises anyone for raising a concern or making a disclosure under this policy
- Inappropriately deters anyone from making a legitimate disclosure

Such conduct will be treated as gross misconduct and may lead to dismissal.

Where, following investigation, a disclosure is substantiated, disciplinary action, or other appropriate sanction, may be taken against the person who is the subject of the disclosure.

GUIDANCE OF SPECIFIC ISSUES

This policy is designed to allow a channel for serious issues of a public interest (i.e. inappropriate or illegal use of public resources) to be raised. It should not be used for concerns of any other nature which Employees feel have a particular negative impact on them and for which the normal grievance or other appropriate procedure should be used.

ADDITIONAL INFORMATION

Any Employee who would like further information about the Trust's Whistleblowing policy should either contact their line manager or, for further information on the Public Interest Disclosure Act, refer to the Public Concern at Work website at <http://www.pcaw.co.uk>.

ADMINCONF/PERS/POLICIES/WHISTLEBLOWING
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