



Whistleblowing Policy and Procedure

Lead/Owner	CEO
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Related Policies	
Level of Approval	Board of Trustees

1 Introduction

This organisation is committed to the highest standards of openness, probity and accountability. We therefore recognise that staff who raise concerns are an asset not a threat.

It is important to us that any malpractice such as fraud; financial irregularities; corruption; bribery; dishonesty; or creating or ignoring a serious risk to health and safety or other serious wrongdoing by workers or officers of the organisation is reported and properly dealt may have about the conduct of others in the organisation or the way in which the organisation is run and that they should be able to do so without fear of reprisal. This policy sets out the way in which individuals may raise any serious concerns that they have and how those concerns will be dealt with.

This policy applies to all employees, workers, and Board of Trustee members in the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it. The aim of this policy is to ensure that all employees are fully aware of the sorts of matters which they should report and the procedure they should follow.

This policy should **not** be used for complaints relating to an employee's own personal circumstances, such as the way they have been treated at work. In those cases, the employee should use the Grievance Policy and Procedure. If an employee chooses to raise a concern under this policy, they must have a reasonable belief that to do so would be in the public interest.

This document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to

ensure that organisational needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute, in which case this will be automatically adopted.

2 Background

The Public Interest Disclosure Act 1998 provides protection for workers who disclose legitimate concerns about specified matters to particular external parties where there is good reason to believe that internal disclosure will not be taken seriously or will cause them to be penalised in some way. These are called 'qualifying disclosures'.

A qualifying disclosure is one made in good faith by an employee, who does not make the disclosure for personal gain, who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- a breach of health and safety endangering an individual;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed.

It is not necessary for the person 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.

A worker who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

The organisation encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether to raise a concern, he/she should discuss the issue with his/her line manager or the Chief Executive Officer.

The 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.

Alternatively, they may wish to contact Public Concern at Work. This is an independent national charity which provides advice on how and with whom to raise concerns. Their helpline is available 9 am to 6 pm, Monday to Friday on 020 7404 6609 or you can email to: helpline@pcaw.co.uk

3 Principles

- 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.

- 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.
- No worker will be detrimentally treated or victimised for making a protected disclosure under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- Employees have the right to make appropriate external disclosure without going through the internal procedure first. The organisation, however, would encourage the employee to raise the matter with their manager, designated person, Chief Executive Officer or Board of Trustee member prior to doing so, unless there are genuine and well-founded grounds for not doing so.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is an act of gross misconduct which may result in summary dismissal.
- 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 a director.

4 Procedure

Qualifying disclosures about matters set out in 'Background' above should be raised using the following procedure:

How to raise a concern internally

Stage 1

As soon as an employee becomes aware of any matter of the type listed above, or if the employee wishes to confirm whether it is a matter which should be raised, in the first instance it should be raised with their line manager.

It is very important for employees to report promptly any of the matters referred to above in order to assist the Company to uphold its high standards and to help prevent the concealment or destruction of evidence which might need to be reviewed.

If he/she believes 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.

Although the Company would not encourage matters to be raised on an anonymous basis, these will still be investigated. Anonymous disclosures are very rarely helpful since the reliability of the disclosure cannot always be readily tested.

Stage 2

Once an employee has informed their line manager of their concern, the line manager will arrange a thorough investigation of the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the worker and other individuals involved giving a written statement.

The employee will be told who is handling the matter, how he or she can contact them and whether further assistance may be needed. Subject to any legal constraint, the employee will be kept informed of the progress of the investigation and its outcome. The employee will have an assurance that the matter will be dealt with promptly and within a reasonable time.

Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and he/she 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 Chief Executive Officer, 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 and start the disciplinary procedure.

On conclusion of any investigation, the worker will be told the outcome of the investigation and what the CEO has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 3

If the worker 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 the Chair of CI Board who will arrange for another manager or Board of Trustee member 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 worker does not wish to approach his/her line manager, he/she should also in the first instance contact the Chair of CI board. Any approach to the Staff Liaison will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.

Raising a concern externally

It will normally 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, they may also disclose information to one of a number of prescribed persons that protected disclosures can be made to under the Act.

If a worker makes a qualifying disclosure to such persons, it will be a protected disclosure provided the worker: -

- makes the disclosure in good faith; and
- reasonably believes that the information, and any allegation it contains, are substantially true; and
- does not make the disclosure for purposes of personal gain; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. (For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive).

The schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 lists 38 'prescribed persons' to whom a protected disclosure can be made. These include:

- Audit Scotland
- Scottish Social Services Council
- Commissioner for Children and Young People in Scotland
- Scottish Information Commissioner
- Scottish Commission for The Regulation of Care
- Office of The Scottish Charity Regulator
- HM Revenue & Customs;
- the Health and Safety Executive;
- Commissioners of Inland Revenue;
- the Scottish Environment Protection Agency.

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.

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.

5 Wider external disclosure

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

In certain limited circumstances disclosure to other persons or bodies, who are not 'prescribed persons', are protected under the Act. In order to invoke this protection, the worker must meet one of the following conditions:

- The worker reasonably believes that they would be victimised if they raised the matter internally
- There was no prescribed regulator and they reasonably believed that the evidence was likely to be concealed or destroyed if they made a disclosure internally
- The concern had already been formally raised internally or with the prescribed regulator
- The concern is of an exceptionally serious nature
- That it was reasonable to have disclosed the information to the person concerned.

Handling alleged detriment

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

6 Abuse of whistleblowing procedure

There may be instances where a disclosure is made, based on genuine belief by the worker that something is wrong at a particular time, which is subsequently demonstrated to be false or inaccurate. In such circumstances, the worker will be informed of the discrepancy between their report and the facts at hand. Provide the organisation is satisfied that the worker acted in good faith and had a genuine belief that such a situation should be reported, no further action will be taken.

Disciplinary action will be taken against any employee 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; or
- Inappropriately deters anyone from making a legitimate disclosure.

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

7 Related Policies and Procedures

- Grievance Policy and Procedure
- Confidentiality Policy
- Child Protection Policy
- Vulnerable Adults Protection Policy
- Disciplinary Policy
- Bullying and Harassment Policy
- Health and Safety Policy

Document version control

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1.0	First version	CEO	11/07/2024