

POLICY	Whistleblowing
POLICY NUMBER	CFL011
EDITION	
DATE OF ISSUE	DATE OF REVIEW
SIGNATORY	

1 Introduction

This document does not form part of any 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. Employees, Volunteers and the Board of Trustees 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.

CONFIDANCE for Life 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 fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. CONFIDANCE for Life 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 sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

This policy applies to all employees, volunteers, 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.

2 Background

The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that and of the following 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;
- a breach of any other legal obligation; or
- concealment of any of the above;

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 CONFIDANCE for Life's responsibility to ensure that an investigation takes place.



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An employee, volunteer or Board Member who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

CONFIDANCE for Life encourages employees, volunteers and Board Members to raise their concerns under this procedure in the first instance. If they are not sure whether to raise a concern, he/she should discuss the issue with his/her line manager or the Chair of the Board of Trustees.

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 victimised for raising a matter 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, Chair of the Board or any 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 a disciplinary offence 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

This procedure is for disclosures about matters other than a perceived actual or potential breach of an employee's own contract of employment. If this is the case, he/she should use the Grievance Procedure.

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

Stage 1

In the first instance any concerns should be raised with the worker's 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 worker should proceed straight to Stage 3.



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Stage 2

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.

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 MC, 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 MC 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 a MC member [named individual and contact telephone number], who will arrange for another manager or MC 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 [name of MC member as above]. Any approach to the MC will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.

Stage 4

If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper person or authority.

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;
- reasonably believes that the information, and any allegation it contains, are substantially true; 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 legislation sets out a number of persons or bodies to which qualifying disclosures may 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;
- the Scottish Environment Protection Agency.

5 Wider external disclosure

In certain limited circumstances disclosure to other persons or bodies are protected under the Act. The worker must also meet one of the following criteria.

- 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.

6 False Reporting

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.

If it becomes apparent to the manager or Board of Trustees that the worker making the disclosure has acted maliciously or frivolously, or has acted for personal gain, this will be dealt with through the organisation's disciplinary process. Action taken may include summary dismissal for gross misconduct.

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