



Communicare in Southampton

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Whistleblowing Policy

Amendment History

Date	
February 2018	Written by B Sawers
<i>MNA Newton</i>	Signed by Miles Newton, Chair of Trustees
February 2019 <i>MAY 2019</i>	To be reviewed <i>MNA Newton</i>
<i>MAY 2021.</i>	

Reviewer Chair of Trustees

Owner and Authorised by Chair of Trustees and Trustee Board

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Other policies and procedures which are particularly relevant to this policy include

- Safeguarding of Vulnerable Adults
- Safeguarding of Children
- Volunteering Policy
- Staff Handbook

1. Introduction

This policy relates to the Public Interest Disclosure Act 2013. The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

In this policy '**Whistleblowing**' means the reporting by employees or volunteers of suspected misconduct, illegal acts or failure to act within Communicare in Southampton.

The aim of this Policy is to encourage employees, volunteers and others who have serious concerns about any aspect of Communicare in Southampton's work to come forward and voice those concerns.

Employees and volunteers are often the first to realise that there may be something seriously wrong within an organisation. Appropriate 'whistleblowing' is viewed by Communicare in Southampton as a positive act that can make a valuable contribution to Communicare in Southampton's efficiency and long-term success. It is not disloyal to colleagues or Communicare in Southampton to speak up. Communicare in Southampton is committed to achieving the highest possible standards of service and the highest possible ethical standards in all of its practices.

If you are considering raising a concern you should read this Policy first. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and
- what Communicare in Southampton will do

If you are unsure whether to use this Policy or want independent advice at any stage, you may contact the independent charity **Public Concern at Work** on 020 7404 6609. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

2. Who is protected by law? (from <https://www.gov.uk/whistleblowing>)

The Public Interest Disclosure Act 2013 protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, eg the general public.

You're protected by law if you report any of the following:

- a criminal offence, eg fraud, abuse

- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- you believe someone is covering up wrongdoing

You should have 'reasonable belief' that the information disclosed and any allegation contained in it are substantially true

Being 'protected by law' means that employees who whistleblow are protected against detrimental treatment or victimisation by the employer as a result of their action.

Volunteers do not have legal status and are thus not covered by the Public Interest Disclosure Act 2013. However at Communicare in Southampton we value our volunteers and will not treat any volunteer (including trustees) detrimentally as a result concerns or allegations raised. We encourage volunteers and employees to raise concerns as set out in this policy.

Complaints that don't count as whistleblowing

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

- Employees should report personal grievances according to the guidelines set out in the employee's handbook.
- Volunteers should follow the guidance set out in the 'Problem Solving' Section of the Volunteer Policy.

3 Raising a concern

Employees are encouraged to raise concerns initially with their line manager or general manager but can go directly to the chair of trustees if the concern is about the manager.

Volunteers are encouraged to raise concerns initially with a volunteer coordinator or the general manager but can also contact the chair of trustees.

If you suspect illegal activity such as abuse or terrorism you should contact the police on 101.

See section 5 'Taking a complaint further' below if you are unhappy with Communicare's response.

Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of Communicare in Southampton. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

Untrue Allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, Communicare in Southampton will recognise your concern and you have nothing to be concerned about. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

4 Responding to a concern or allegation

Communicare in Southampton will

- Take all allegations and concerns seriously
- Ensure the allegation is investigated promptly by a senior member of staff and/ or a trustee
- Ensure there is provision for appeal
- Ensure the person making the allegation is protected from unfair treatment and respect their request for confidentiality if possible
- Seek advice from appropriate external sources if necessary. These could include the Charity Commission, Social Services or Fundraising Regulator.
- Report any potentially illegal activity to the police
- Report all serious incidents to the Charity Commission
- Where appropriate conduct an internal review into whether practice, policies or procedures need to be adapted to avoid such problems re-occurring.

5 Taking a complaint further

If you are unhappy about the way Communicare in Southampton deals with your complaint you can make a complaint in writing to the board of trustees.

You can also contact the appropriate regulator for the following issues

Charity Commission

Contact the charity commission if you believe the charity is

- not doing what it claims to do
- losing lots of money
- harming people
- being used for personal profit or gain
- involved in illegal activity

Charity employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission. The commission asks that whistleblowing reports are made in writing via the dedicated whistleblowing email address on the Charity Commission website.

Trustees can report serious concerns to the Charity Commission using the serious concerns form on their website.

Volunteers and other interested parties should consult the Charity Commission Website.

Advertising complaints

Contact the Advertising Standards Authority to complain about:

- an advertising campaign you think is offensive, deceptive or inaccurate
- the amount of emails or mail you get from a charity

Fundraising complaints

Contact the Fundraising Regulator to complain about:

- a. the way you've been asked for donations
- b. how fundraisers have behaved

You can also complain on behalf of someone else.

Illegal Activities

If you believe a crime has been committed you should contact the police on 101

Employees who raise concerns outside Communicare should ensure that it is to one of the prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act. It is suggested you contact the independent charity **Public Concern at Work** on 020 7404 6609 for advice.