



3.2. What's the difference between whistleblowing and a grievance?

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects other members, the charity itself, its beneficiaries, or the public. A grievance, on the other hand, is a personal complaint about a member's own volunteering situation.

A whistleblowing concern is where an individual raises information as a witness, whereas a grievance is where the individual is a complainant.

3.3. Qualifying disclosure

This term is given to a disclosure made by someone who genuinely – and in good faith – believes one of the incidents outlined below is happening, has happened, or is likely to happen in the future. A qualifying disclosure must be in **the public's best interests** and relate to:

- a criminal offence;
- a failure to comply with a legal obligation;
- someone's health and safety being put at risk;
- risk or actual damage to the environment;
- a miscarriage of justice;
- a belief someone has covered up, or is covering up, wrongdoing in the above categories.

3.4. Malicious whistleblowing

Provided you are acting genuinely, with reasonable belief of a concern, and in the best interests of the public, **it does not matter if you are mistaken.**

However, if it is proved through an investigation process that an allegation of wrongdoing has been made maliciously, then the member who made the allegations may face action under the charity's Disciplinary Policy, up to and including termination of membership. In some cases, malicious whistleblowing may be subject to criminal investigation where illegality has occurred.

Malicious allegations include but are not limited to:

- raising a matter which you know to be untrue;
- making an allegation without having reasonable grounds for believing it to be substantially true;
- improperly collecting the information to support the allegations;
- being involved in any way in the malpractice that is the subject of the disclosure;
- making an allegation for personal or third-party gain.

3.5. Protection of the whistleblower

Section 43 of the Public Interest Disclosure Act 1998 (PIDA) provides protection for individuals who raise legitimate concerns as outlined in paragraph 3.3 above. It is unlikely that an individual making a malicious disclosure would have any protection under the PIDA.

Members should be aware that **the provisions of the PIDA are limited in the case of charity volunteers.** However, CCT is committed to working ethically and with

integrity. In so far as is possible, the charity will aim to treat all members making a disclosure in the spirit of the PIDA.

4. Blowing the whistle internally

Members are strongly encouraged to raise any concern internally within CCT in the first instance, as this is likely to result in the quickest possible resolution of the issue.

4.1. When to make a disclosure

If you have a concern, you should raise it as soon as possible. You do not need to wait for proof when reporting wrongdoing – you only need to have a reasonable concern. It is not for you to investigate or prove that your concerns are justified.

You should make a disclosure if you have a concern, that you reasonably believe is of public interest, about the conduct of others in the charity or the way in which it is run as outlined in paragraph 3.3.

4.2. How to make a disclosure

Where possible, you should make your disclosure in writing to the Chair of CCT, although you may make it to any Trustee if you prefer. If you make your disclosure orally, you are advised to follow up in writing.

Your disclosure should include:

- any relevant context and background, including relevant dates, locations and names;
- specific examples of any wrongdoing of which you are personally aware;
- the reason why the situation gives you causes for concern.

This helps to ensure problems can be resolved as quickly, efficiently and effectively as possible. You should make it clear that you are making a disclosure using the whistleblowing policy and whether you wish your identity to be kept confidential. Every effort will be made to keep your identity confidential if this is your wish, provided that this is compatible with a proper investigation. Depending on the circumstances of the concern, it may not always be possible to keep your identity confidential. In such a case, you will be informed of the reasons why it was not possible.

4.3. How disclosures are handled

You will receive confirmation of your disclosure within three working days, unless your disclosure was made anonymously (see 4.4). Your concern will then be investigated, and you may be asked to attend a meeting to explain your disclosure in full.

The action taken in response to a disclosure will depend on the nature of the concern and may result in one or more of the following outcomes:

- no action required;
- action to be taken under other CCT policies;
- an internal investigation under this policy;
- a referral to OSCR or other relevant regulatory body;
- a referral to the Police;
- a referral to external auditors;

- an independent enquiry.

CCT will inform you as soon as possible what action will be taken to address the disclosure you have made. If no action is to be taken, you will be informed of this and given the reasons.

4.4. Anonymous disclosures

In view of the protection afforded to an individual member raising a genuine concern, it is considered desirable that they disclose their personal information. However, anonymous disclosures will be accepted and treated as equally as those bearing a name. When receiving an anonymous disclosure, a decision will be made about whether it is possible to pursue the report based on the information provided. If you choose to make an anonymous disclosure, a complete and comprehensive investigation will be more challenging as it will not be possible to contact you to seek further information or clarification if this is required, and it will not be possible to share any outcome or actions from an investigation with you.

5. Blowing the whistle externally

As discussed in section 4, we would encourage any member considering a disclosure to make it internally in the first instance. If all avenues of escalation within the charity have been exhausted or, having made a disclosure internally, you are unhappy with the outcome, you have a legal right to make a disclosure to an external body. This is called a *Public Disclosure*.

An external body may be non-regulatory, for instance an MP, legal advisor or the Police. Alternatively, it may be a regulatory body if the perceived malpractice falls within that body's regulatory remit.

Regulatory bodies include, but are not limited to:

- OSCR
- HM Revenue & Customs (HMRC)
- Regional NHS Scotland boards
- Health and Safety Executive
- Scottish Environment Protection Agency (SEPA)
- Scottish Information Commissioner
- A local authority

The relevant regulatory or non-regulatory body will carry out investigations as necessary, in line with the procedures and processes outlined by them. A full list of regulatory bodies can be found through the Scottish Government website.

A public disclosure will be protected under the PIDA in the same way as a disclosure made internally, as long as it meets the same conditions (see 3.5).

6. Disclosures to the Media

CCT will not treat disclosures made to the media as reasonable. Any disclosure to the media may be considered as misconduct and treated as a disciplinary matter in line with the charity's Disciplinary Policy.

7. Further advice

If at any stage you feel unsure or would like to discuss a concern with someone independent, you can do so by contacting Protect, an independent whistleblowing advice charity. They provide free, confidential and practical advice to would-be whistleblowers who are concerned about making a disclosure. Their contact details are:

- Website: protect-advice.org.uk
- Advice line: 020 3117 2520
- Email: whistle@protect-advice.org.uk

8. Ownership and review

This policy is owned by the Chair, who is responsible for updating it when required. The Board of Trustees shall review the contents of, and compliance with this policy periodically.

9. Notes and additional information

- 9.1. In the event that any element of this policy appears to conflict with the Constitution of Coulter Community Trust, the latter shall take precedence as the definitive document.
- 9.2. In this document:
 - 9.2.1. The term *member* refers to ordinary and associate members, and trustees of CCT.
 - 9.2.2. *OSCR* refers to the Office of the Scottish Charity Regulator.