



Fèisean nan Gàidheal Risk Management and Policies

Date: 29 October 2013

Policy: Whistle-blowing Policy

This Policy forms part of the Fèisean nan Gàidheal Policy Portfolio

Related Policies: (main) – Financial Procedures; Child Protection Policy; Staff Handbook

Purpose of Policy: to ensure safety, legality, accountability, transparency and good working practice. This policy extends to member fèisean.

Summary of Policy: to bring malpractice, irregularities and illegal or improper conduct to the attention of the management or other authorities at an early date

Policy drafted by: Iona MacDonald, Training and Policy Officer

Submitted to Executive Group (date): 13 December 2013

Approved by Board (date):

This policy should be reviewed by (date): February 2015

Signed:
(Date)

(Chair)

Fèisean nan Gàidheal (incorporating member fèisean) Whistle Blowing Policy

Introduction

Employees are often the first to realise that there may be something seriously wrong within Fèisean nan Gàidheal. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Fèisean nan Gàidheal is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, volunteers and others that we deal with, who have serious concerns about any aspect of the charity's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

The policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This whistle-blowing policy is intended to encourage and enable employees to raise serious concerns within the charity rather than overlooking a problem or airing their complaints outside the charity.

This policy is in addition to Fèisean nan Gàidheal's other policies, including the Staff Handbook. Staff are responsible for making volunteers and service users aware of the existence of this policy.

Application

This policy applies to all staff, volunteers and service users of Fèisean nan Gàidheal.

Aims and Scope

This policy is designed to enable employees of Fèisean nan Gàidheal to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately, but then might lead to the invocation of other procedures e.g. disciplinary. These concerns include:

- a) Financial malpractice, impropriety or fraud.
- b) Failure to comply with a legal obligation or statutes.
- c) Dangers to Health & Safety or the environment.
- d) Conduct which is a breach of the law
- e) Improper behaviour or unethical behaviour.
- f) Attempts to conceal any of these.

There are existing procedures in place to enable you to lodge a grievance relating to employment matters.

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice

- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

Safeguards

This policy is designed to offer protection to those employees and volunteers of Fèisean nan Gàidheal who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure.

Fèisean nan Gàidheal is committed to good practice and high standards and wants to be supportive of employees.

Fèisean nan Gàidheal recognises that the decision to report a concern can be a difficult one to make. If what is reported is true, staff should have nothing to fear because they will be doing a duty to their employer and those for whom you are providing a service.

Fèisean nan Gàidheal will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

Confidentiality

Fèisean nan Gàidheal will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of Fèisean nan Gàidheal.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes a frivolous, malicious or vexatious allegation, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

How to raise a concern / timescales

Concerns should be reported to the immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the allegation is about management then concerns should be directed to the Chief Executive, (who is also the Monitoring Officer). Complaints against the Chief Executive should be passed to the Chair of the Board of Directors.

Concerns may be raised verbally or in writing. Staff who wish to make a written report should mention the following

- the background and history of the concern (giving relevant dates);
- the reason for the concern

Staff should report the concern at the earliest opportunity so that action can be taken.

Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

The complainant has the right to bypass the line management structure and take their complaint direct to the Chief Executive or Chair of the board of directors. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Actions that Fèisean nan Gàidheal will take / Investigating procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- Within 10 days, acknowledge to the complainant that the complaint has been received; indicate how it is proposed to deal with the matter and inform them whether further investigations will take place and if not, why not.
- Inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- If there is evidence of criminal activity then the investigating officer should inform the police. Fèisean nan Gàidheal will ensure that any internal investigation does not hinder a formal police investigation.
- Consider the involvement of the auditors and the Police at this stage and should consult with the Chief Executive or Chair of the Board of Trustees

- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chair of the Board of Trustees as appropriate.
- The Chief Executive or Chair of the Board of Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Fèisean nan Gàidheal procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Fèisean nan Gàidheal auditors to enable a review of the procedures.
- If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive or Chair of the Board of Trustees.
- If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Fèisean nan Gàidheal recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Responsible officer

The Chief Executive (who is also the Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. He or she will maintain a record of concerns raised and the outcome (but in a form which does not endanger confidentiality) and will report as necessary to the Board of Fèisean nan Gàidheal.