

Whistleblowing Policy and Procedures

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OYCI

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Whistleblowing Policy and Procedures

1. Purpose and Context

This policy describes OYCI's responsibilities in the event of a person or persons taking a course of action known as 'Whistleblowing'.

Our aim is to ensure staff members feel comfortable raising concerns both within and outside of OYCI where they genuinely believe or suspect a wrongdoing is occurring within the charity.

This policy and procedure is intended to assist staff members in how to report genuine concerns, whilst explaining how they will be dealt with, along with the confidentiality and protection provided to them.

2. Scope

This policy is relevant to and should be followed by all OYCI staff.

3. Definitions

Under certain circumstances, staff have legal protection if they make disclosures about organisations for whom they work. They are commonly referred to as 'whistleblowers'.

This disclosure of information which relates to suspected wrongdoing or dangers at work may include:

- a) criminal activity;
- b) failure to comply with any legal [or professional] obligation [or regulatory requirements];
- c) danger to health and safety;
- d) damage to the environment;
- e) bribery [under our Bribery Act Policy and Procedure];
- f) financial fraud or mismanagement;
- g) the deliberate concealment of any of the above matters.

This is not an exhaustive list.

A relevant example may be where an individual believes that some form of malpractice is taking place.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to a concern that has happened, is happening, or is likely to happen.

Staff: The term includes employees, sessional workers and agency workers. This is also extended to independent contractors who are undertaking direct work with OYCI.

4. General Policy

There are times when individuals have concerns about things that are happening at work. Concerns may include suspected wrongdoing, unlawful conduct, financial malpractice or dangers to the public.

If you are uncertain whether something is within the scope of this policy you can seek advice from your Line Manager, your line manager's manager, or if applicable, your Trade Union, or Public Concern at Work, who offer a confidential helpline. Their contact details are in section 6.1.

4.1 OYCI Personal Conduct Policy for Staff

OYCI Code of Conduct for Staff expresses the values and standards of behaviour which OYCI expects from all staff members and anyone who works with the charity either directly or indirectly. All staff members should familiarise themselves with this policy and ensure they adhere to their responsibilities as laid out in the policy.

4.2 Protection

The Public Interest Disclosure Act 1998 gives protection to employees, workers, agency workers and contractors (it does not cover volunteers or trustees) and prevents them from suffering a detriment, including victimisation by an organisation or by colleagues, or termination of employment for 'whistle-blowing'.

The OYCI Board and the Chief Executive take very seriously concerns which whistle-blowers may raise under this legislation. If a staff member raises a genuine concern under this policy, they will not be at risk of losing their job or suffering any form of retribution as a result. It does not matter if they are mistaken.

If a staff member believes that they have suffered any such treatment they should inform their line manager, or managers' manager. If the matter is not remedied, employees should raise it formally using OYCI grievance policy and procedure.

If, however we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action (up to and including summary dismissal, or in the case of workers, agency workers and contractors, their contract with OYCI may be terminated).

Similarly, if staff members do not follow the procedure set out, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g., contacting the media) could result in disciplinary action being taken, which may include summary dismissal, or in the case of workers, agency workers and contractors, their contract with OYCI may be terminated.

Staff members must not threaten, retaliate or bully/harass whistle-blowers in any way. Anyone involved in such conduct may be subject to disciplinary action, which may include summary dismissal, or in the case of workers, agency workers and contractors, their contract with OYCI may be terminated.

5. Roles and Responsibilities

Please also refer to Appendices 1 and 2 of this policy.

Training on this policy and procedure will be given during induction and updated through line manager briefings.

Failure to comply with this policy may lead to disciplinary action which could include summary dismissal or as grounds to terminate your contract with OYCI.

6. Procedures

6.1 How to report a concern

If a staff member has a concern, we hope that they will feel able to raise it with their line manager, either face to face or in writing, who will treat the matter with complete confidence.

In most cases, their line manager will be the most appropriate person to talk to about their concerns. However, if they can't raise the issue with their manager, no action has resulted from them doing this, or if the concern involves their line manager, they should speak to their line manager's manager (or the Chair of the Board where this is relevant) and advise that the concern is being made in confidence.

OYCI would encourage anyone who wishes to raise a whistle-blowing concern to raise with the relevant member of OYCI staff or Board Member before contacting any external organisations or bodies.

Where a whistle-blower has exhausted these options and is not satisfied with the explanation or reason given to them, they should raise the matter with the appropriate organisation or body (see appendix 3 for more information).

In doing this they should:

- Have a reasonable belief that the allegation is based on correct facts
- Make the disclosure to a relevant body
- Have a reasonable belief it is in the public interest to make the disclosure

This policy does not relate to complaints relating to personal circumstances, such as the way individuals have been treated at work. In those cases, they should use the appropriate HR Policy (for example, OYCI Grievance Policy and Procedure).

We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work operates a confidential helpline. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The confidential helpline contact details are:

Helpline: +44 203117 2520

E-mail: whistle@protect-advice.org.uk

Website: www.pcaw.co.uk

6.2 Contacting the media

The media is not a relevant external body. Whistle-blowers should not contact the media with allegations about OYCI, except in extraordinary circumstances where neither contacting OYCI, nor the relevant regulatory body would be appropriate.

6.3 Dealing with Concerns

On receipt of a concern, OYCI will:

1. Undertake an initial assessment to determine appropriate action. This may be an internal inquiry or a more formal investigation. We will inform you of the outcome of the initial assessment.
2. Arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
3. Take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

Where an individual has raised a whistle-blowing concern, if it is felt that the concern falls within the remit of a grievance procedure, they will be advised.

6.4 Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.

Whistle blowers who are concerned about possible reprisals if their identity is revealed should raise their concerns with their line manager, managers' manager, or in the case of non-staff members the relevant member of OYCI staff, or Public Concern at Work, and appropriate measures can be taken to preserve confidentiality.

6.5 How to report a concern, comment or complaint if outside the scope of OYCI Whistleblowing Policy and Procedure

6.5.1 Volunteers and Trustees

Although the Public Disclosure Act does not cover volunteers and Trustees, we would encourage them to report any genuine disclosures to OYCI. We will adapt the above process and procedure to deal with any disclosures appropriately.

6.5.2 Other individuals outside the scope of the Policy

Any other individuals outside the scope of the Policy (e.g., children and young people in receipt of OYCI services, their parent/carer or legal guardian, commissioners of OYCI services and independent contractors who are undertaking direct work with children on behalf of OYCI) should refer to the following OYCI Policies and Procedures should they wish to report a concern, comment or complaint:

- OYCI Confidentiality and Data Protection policy
- OYCI Child Protection Policy and Code of Conduct
- OYCI Health and Safety Policy
- OYCI Equalities Policy

7. Appendices

Appendix 1 – Managers' responsibilities

Appendix 2 – Whistleblowers' responsibilities

Appendix 3 - Whistle-blowing external contacts

7.1 Appendix 1 Managers' Responsibilities

- Ensuring that all staff members working in their department are made aware of this policy and the Personal Conduct Policy for staff
- Creating an environment in which it is easy to discuss any concerns
- Taking seriously any genuine concern that is raised
- Dealing sensitively with anyone who raises a concern
- Making the Chief Executive aware of any concerns raised in a timely manner
- Investigating concerns thoroughly and making an objective assessment of the concern
- Seeking advice from the Chief Executive when necessary
- Keeping the whistle blower advised of progress, as appropriate
- Taking any appropriate action as a result of the concern

7.2

Appendix 2 Whistleblowers' Responsibilities

- Raising any genuine concern, you may have as quickly as possible
- Seeking advice if you are not sure whether your concern is within the scope of the policy
- Understanding OYCI Personal Conduct Policy for staff and the values and standards OYCI require of its staff members (Staff members only)
- Where internal options have been exhausted, raise with the appropriate organisation or body (see Appendix 3)
- Use the correct procedure (e.g., Grievance Policy and Procedure) where the complaint relates to personal circumstances

7.3 Appendix 3 Whistleblowing external contacts

This policy is intended to provide staff members with an opportunity to raise concerns within OYCI and to give them the reassurance needed to raise such matters internally. If they are not and they feel it is right to take matters outside the charity the following are possible contact points.

If the individual decides to blow the whistle to a prescribed person rather their employer, they must make sure they select the correct person or body.

A **prescribed person** is 'someone a worker may approach outside their workplace to report suspected or actual wrongdoing.' (National Audit Office). Examples of organisations that may be relevant prescribed persons for OYCI include:-

- OSCR - [Raise a concern about a charity](#)
- Scottish Fundraising Adjudication Panel - [Raise a concern about fundraising](#)
- ACAS - [Raise an employment concern](#)
- Information Commissioner - [Raise a concern re data protection](#)
- Health & Safety Executive - [Raise a Health & Safety concern](#)

