

**Deafblind Scotland vision** – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”



Deafblind Scotland Policy on Whistleblowing

### **What do we mean by Whistleblowing?**

The Nolan Committee on Standards In Public Life, defined whistleblowing as the act of “raising concerns about misconduct within an organisation or within an independent structure associated with it”

**Simply:** Whistleblowing is the act of drawing public attention, or the attention of an authority figure, to perceived wrongdoing, misconduct, unethical activity within public, private or third-sector organisations. Corruption, fraud, bullying, health and safety violation, cover-ups and discrimination are common activities highlighted by whistle-blowers.

### **The legal position**

Whistleblowers are protected in certain circumstances, under UK Law, within the Public Interest Disclosures Act 1998

This act gives legal protection to employees against detrimental treatment or dismissal if they raise concerns about:

- Criminal offences
- Breaches of legal obligation (including negligence, breach of contract, breach of administrative law)
- Miscarriages of justice
- Health and safety
- Damage to the environment
- The concealment of any of the above

Staff will be covered by the Act if they raise current or future concerns and will also receive protection for raising concerns, which may have occurred before the Act itself

This policy will cover all permanent and short term staff employed by Deafblind Scotland, including contractors providing services and agency workers.

### **Policy Statement**

Deafblind Scotland is committed to the highest standards of honesty, openness and accountability. As part of this commitment, Deafblind Scotland encourages staff with concerns about any aspect of its work to come forward and express these concerns using the appropriate procedures. Issues and concerns that fall outside of the categories given above may be addressed via the complaints, grievance or other procedures.

## Safeguards

### **Protection**

This policy is designed to offer protection to those employees of Deafblind Scotland 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. Extreme case of malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

Deafblind Scotland will treat all whistleblowing 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 disclosure they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of Deafblind Scotland.

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 any disclosure, the individual should exercise due care to ensure the accuracy of the information. If, **however**, an individual makes malicious or vexatious allegations, and particularly if he or she persists in making them, disciplinary action may be taken against that individual.

If the complainant is not satisfied with the outcome of the investigation once all internal procedures have been completed, Deafblind Scotland recognises the lawful rights of employees to make disclosures to prescribed persons (such as the health and safety executive, the audit commission or other regulators) or, where justified elsewhere.

## Deafblind Scotland Procedure for Whistleblowing

### **Aim of procedure**

This procedure provides a framework, which if followed will ensure that Deafblind Scotland's policy on Whistleblowing is followed, implemented, and appropriately monitored.

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### **Procedure for dealing with a disclosure**

On receipt of a complaint of malpractice, the member of staff who receives and takes note of it, must pass the information, as soon as reasonably possible to the line manager

- The line manager will investigate complaints of malpractice, unless the complaint is against him/her or is in any way related to their actions, in which case the complaint will be passed to the next line manager.
- Where the Chief executive is connected to or the subject of an allegation, the Chairman will nominate a Director to act as the alternative investigating officer.

If there is evidence of criminal activity then the investigating officer should inform the police. Deafblind Scotland will ensure that any internal investigation does not hinder a formal police investigation

### **Investigation procedure**

The investigating officer should follow these steps.

1. Obtain full details and clarification of the complaint
2. 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 representative at any future interview or hearing held.
3. The investigating officer should consider the involvement of the company auditors and the Police at this stage and should consult with the Chairman or the appointed Director
4. Allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals/bodies.
5. The investigating officer will make a judgement concerning the complaint and its validity.
6. This judgement will be detailed in a written report containing the findings of the investigation and reasons for the judgement.
7. The report will be passed to the Chief Executive. They will decide what action to take.

8. If the complaint is shown to be justified, then the Chief Executive will invoke the disciplinary or other appropriate procedure of Deafblind Scotland
9. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
10. If appropriate, a copy of the outcomes will be passed to the Company Auditors to enable a review of the procedures.

If the complainant is concerned that their complaint is not being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive.

If the complainant is not satisfied with the outcome of the investigation once all internal procedures have been completed, Deafblind Scotland recognises the lawful rights of employees to make disclosures to prescribed persons (such as the health and safety executive, the audit commission or other regulators) or, where justified elsewhere.