



## WHISTLE- BLOWING POLICY

### 1. Introduction

- 1.1. Cyngor ar Bopeth Gwynedd Citizens Advice (CAB Gwynedd) aims to conduct its affairs in a responsible way and attaches great importance to identifying and correcting problems. If anyone suspects malpractice in the bureau, they should feel able to raise their concern in the knowledge that it will be taken seriously and dealt with in confidence and without fear of reprisal or victimisation.
- 1.2. It is in all our interests to resolve concerns internally and to avoid involving outside bodies unless and until necessary. This policy provides a framework for anyone involved in or with an interest in the work of the bureau to raise genuine concerns about issues which it covers.
- 1.3. It should be noted that in some circumstances external reporting will be necessary – in particular, trustees have responsibility to report certain serious incidents to the Charity Commission. See section 8.
- 1.4. It is better to raise concerns which prove unfounded than keep quiet about something which turns out to be serious. If a current member of staff, volunteer or trustee is in genuine doubt about whether or not they should report something under these procedures, they should feel free to discuss the matter with the Chief Executive first. If the matter involves the Chief Executive they should approach a member of the Trustee Board. The Chair can be contacted at [chair@cabgwynedd.cymru](mailto:chair@cabgwynedd.cymru). Other members can be approached through the staff representative ([staff-rep@cabgwynedd.cymru](mailto:staff-rep@cabgwynedd.cymru)) or volunteer representative ([volunteer-rep@cabgwynedd.cymru](mailto:volunteer-rep@cabgwynedd.cymru)).
- 1.5. If managers or trustees are unsure how to respond to concerns raised under this policy, they are encouraged to contact Bureaux Direct or the bureau's allocated Relationship Manager for support and guidance: Val Murphy ([val.murphy@citizensadvice.org.uk](mailto:val.murphy@citizensadvice.org.uk)).

### 2. What this policy covers

- 2.1. This policy provides a means by which matters of **serious concern which affect the interests of the whole bureau or others, such as members of the public or partner agencies**, can be raised and applies to all involved in or with an interest in the work of CAB Gwynedd:
  - Current volunteers, paid staff and trustees.
  - Ex-volunteers, paid staff and trustees.
  - Third parties connected with the service.
  - Individuals unconnected with the service.
- 2.2. This policy covers serious or sensitive concerns about matters such as the following:

- (a) Fraud or financial irregularity
- (b) Criminal activity
- (c) Failure to comply with any legal or regulatory duty or obligation
- (d) Endangering the health and safety of any individual(s)
- (e) Damage to the environment
- (f) Miscarriages of justice
- (g) Information assurance breaches
- (h) Unethical or improper conduct
- (i) Attempts to conceal any of the above.

Statutory whistle-blowing procedures are set out in the Public Interest Disclosure Act (1998) – see section 7 and Appendix One for further details.

- 2.3. CAB Gwynedd has a range of policies and procedures which deal with standards of behaviour at work: they cover, for example, discipline, grievance, discrimination, bullying and harassment, volunteer complaints, ICT usage and security, and recruitment and selection. Paid staff and volunteers are encouraged to use these procedures where appropriate (see appendix three for list of related policies and procedures).
- 2.4. If you are unhappy about a situation which primarily affects you or causes you personal detriment, you should address the issues using one of the above more appropriate policies and procedures.
- 2.5. If the concern you have is not covered by one of the above policies but you believe that it is or has the potential to damage the bureau or bring the service into serious disrepute, this policy may, at the discretion of CAB Gwynedd or national Citizens Advice, be used to investigate the concern.
- 2.6. If in the course of the investigation any concern raised appears to the investigator to relate more appropriately to an individual and is therefore more appropriately covered by grievance, bullying and harassment, discipline, or relevant volunteer procedures, those procedures will be invoked to deal with these concerns.

### **3. How to report your concerns**

- 3.1. Current paid staff and volunteers should first consider whether to raise the concern informally with their supervisor. Trustees should consider raising this informally with the Chair.
- 3.2. Where paid staff and volunteers do not feel it is appropriate to raise this with their supervisor they should write to the Chief Executive. If she or he is implicated in your concerns, you should write to the Chair of the Trustee Board. If you have reasonable grounds to believe that the concerns are such that no one in the bureau management or governance structure would be able to deal with them fairly and effectively, you can raise the issues with national Citizens Advice (see section 6.6).
- 3.3. Citizens Advice is committed to making reasonable adjustments to remove barriers to whistle-blowing for people with disabilities. If you have a disability which makes it difficult to write, you should be able to make your complaint to the Chair of the Trustee Board in person or by telephone.

- 3.4. You should provide as much information as possible to support your concerns, including the key issues and dates and the times and names of those you suspect to be involved. You are not expected to prove beyond a reasonable doubt that the allegations are true, but you must be able to show that you have reasonable grounds for concern.
- 3.5. You are strongly encouraged not to make anonymous reports as it is much more difficult for your concern to be investigated and for us to protect your position or give you feedback. Accordingly, anonymous reports will be considered and investigated at the discretion of CAB Gwynedd.
- 3.6. In exercising this discretion the following factors will be taken into consideration:
  - The credibility of the concern raised.
  - The likelihood of confirming the allegation.
- 3.7. If you raise a genuine concern in accordance with this policy, you will not be at risk of losing your role in the bureau or suffering any form of detriment as a result, even if you are mistaken or if there is an innocent explanation for your concerns. Of course, this assurance is not extended to someone who maliciously raises a matter they know is untrue. Disciplinary action may be taken against employees who knowingly make false allegations.

#### **4. The bureau investigation**

- 4.1. You should receive a written response within five working days acknowledging receipt of your whistle-blowing complaint and confirming that it is being treated confidentially. The response will indicate how the matter will be dealt with and will give an estimate of the timescale for a final response.
- 4.2. How the matter is investigated will depend on the circumstances and you may well be asked for further information, either by telephone or face-to-face, so that the full scope of your concerns can be agreed. This process will also allow the investigator to identify any issues that they consider to be outside of the scope of the whistle-blowing policy and indicate how these might be progressed, as well as identifying the most appropriate person to carry out the investigation. If a meeting is to be held, this should take place in a location that is safe and convenient for you, and you can be accompanied by a union representative, work colleague or (if appropriate) a friend.
- 4.3. All reasonable efforts will be taken to maintain your confidentiality during the investigation, unless you specifically waive your rights to this. However, this may not be possible: for example, if disciplinary action were to be taken as a result of your complaint, or if the person investigating the matter feels that there is an overriding reason for disclosure. In this case, you will be informed that confidentiality cannot be maintained.
- 4.4. A trustee should be responsible for leading the investigation and he or she will need to consider carefully what, if any, involvement any paid staff or volunteer should have in this process. They should be responsible in exercising their duty of care towards staff, including those implicated in whatever way in the concern raised, and monitor stress and take appropriate action to manage this. They also need to be responsible for keeping the person who has raised the issue up to date with progress and any changes in target dates.

- 4.5. The trustee board needs to give careful consideration to agreeing and implementing a communication plan and understanding the impact an investigation might have on the bureau: internally and externally. Such issues should be discussed with the bureau's allocated Network Development Manager, who can provide support and guidance in this process.
- 4.6. See Appendix Two for a checklist of good investigative practice.

## **5. The outcome**

- 5.1. You will be informed in writing of the outcome of the investigation, subject to any legal constraints that may apply.
- 5.2. If your allegations are not confirmed by subsequent investigation, no action will be taken against you. CAB Gwynedd will take all reasonable steps to protect you if you make a disclosure in line with this policy (even if it ultimately proves not to be borne out) from any detriment including victimisation, disciplinary action or criticism.

## **6. The role of national Citizens Advice**

- 6.1. National Citizens Advice can be involved in one of two roles concerning the investigation of whistle-blowing complaints. Firstly, it may be asked to review a complaint that has already been investigated by the bureau but which has not been resolved to the satisfaction of the complainant. Secondly, it may be asked to undertake the initial investigation if the complainant believes that this could not be done effectively by the bureau.

### **Requesting a review by national Citizens Advice**

- 6.2. If you feel that the concerns you have raised have not been addressed, or have been ignored, you can ask national Citizens Advice to review the way the bureau has dealt with your concerns. Citizens Advice will check that an appropriate process has been followed and that the response was reasonable given the facts and circumstances.
- 6.3. To request such a review, please contact Linda Cropley, Head of Performance and Quality ([linda.cropley@citizensadvice.org.uk](mailto:linda.cropley@citizensadvice.org.uk)). You will receive an acknowledgement within five working days. If you have a disability which makes it difficult to write, the Feedback team can transcribe your whistle-blowing complaint and send it directly to Linda Cropley on your behalf. You can contact them on 03000 231 900. If such a review is deemed appropriate, Citizens Advice will aim to complete its review of the process within 20 working days of having received the file from the bureau. This may take longer depending on the nature of the allegation but you will be kept informed of progress and any revision of the time frame will be discussed and agreed with you.
- 6.4. The review may decide that the concerns have been fully and appropriately addressed, the appropriate process followed and the response reasonable, or that some or all aspects of the concerns require further investigation in which case a further investigation will be commissioned. The decision of the reviewer will be final.

### **Requesting an investigation by national Citizens Advice**

- 6.5. You are strongly encouraged not to make anonymous reports to Citizens Advice as it is much more difficult for your concern to be investigated or for us to give you feedback. Accordingly, anonymous reports will be considered and investigated at the discretion of national Citizens Advice.

- 6.6. In exercising this discretion the following factors will be taken into consideration:
  - The credibility of the concern raised
  - The likelihood of confirming the allegation.
- 6.7. The preferred position is that the bureau trustee board should be responsible for investigating concerns raised about its bureau and for taking action to address them.
- 6.8. If you reasonably believe that no one in the bureau management or governance structure would be able to deal with your concerns fairly and effectively because they are all implicated or conflicted, you can ask national Citizens Advice to investigate.
- 6.9. National Citizens Advice will investigate only in situations where the allegations clearly implicate all members of the Trustee Board or all members of the Trustee Board are conflicted. Where only some of the Trustee Board members are implicated or conflicted, the remaining trustees will be encouraged to carry out the investigation, if necessary through appointing an external investigator.
- 6.10. Initially, you should write to Linda Cropley, Head of Performance and Quality ([linda.cropley@citizensadvice.org.uk](mailto:linda.cropley@citizensadvice.org.uk)), setting out your concerns as outlined in section 3 above. If you have a disability which makes it difficult to write, the Feedback team can transcribe your whistle-blowing complaint and send it directly to Linda Cropley on your behalf. You can contact them on 03000 231 900.
- 6.11. If national Citizens Advice considers that an investigation should be carried out it will appoint an appropriate person to do so who will be completely independent of the bureau. This person may be a member of national Citizens Advice staff or a trustee from another bureau who has some experience in areas relevant to the matters being investigated. The aim is for the person to take a common sense approach to the investigation rather than being an expert. The decision of national Citizens Advice will be final.
- 6.12. The investigation process followed by national Citizens Advice will be the same as that outlined in section 4 above and the same basis of confidentiality will apply. However, in order for the investigation to be thorough and for the bureau to properly defend itself, it will be necessary to share the detail of the concerns raised with the Trustee Board.
- 6.13. Full details of the concerns might not be shared where doing so could lead to the complainant being easily identified or in situations where the bureau might compromise potential evidence. In such circumstances a summary of the allegations will be provided that give sufficient detail so that the trustees are aware of the seriousness of the matter and are able to prepare to answer them.

## **7. External reporting – exceptional cases**

- 7.1. This policy is intended to give you the opportunity and protection you need to raise your concerns internally. CAB Gwynedd would expect that, in almost all cases, raising concerns internally or with national Citizens Advice would be the most appropriate action for you to take.
- 7.2. If you are a paid member of staff and have a significant reason why you feel you cannot raise your concerns internally and you honestly and reasonably believe that the information and any allegations are true and that disclosing them is in the public interest, you should consider raising the matter with the appropriate prescribed person

in terms of the Public Interest Disclosure Act 1998 (see Appendix One). Before raising the matter externally you must reasonably believe that the information and any allegations are substantially true and that the failure is one which the prescribed person is able to deal with.

- 7.3. The Government has prescribed a very detailed list of appropriate bodies for such external reports. A full list is available from the independent charity Public Concern at Work:

Public Concern at Work  
3rd Floor, Bank Chambers  
6-10 Borough High Street  
London SE1 9QQ

**Fax** 020 74038823

**Email**

UK enquiries: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

UK helpline: [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk)

UK services: [services@pcaw.org.uk](mailto:services@pcaw.org.uk)

**Telephone**

Whistle-blowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

Public Concern at Work will also give confidential advice to you regarding the disclosure of wrongdoing in the workplace.

- 7.4. If you choose to disclose information externally to a person who is not a prescribed person or a responsible third party, e.g. Citizens Advice, your legal adviser or the Charity Commission, you should be aware that your disclosure may not be covered under this policy and possibly not by the legislation. Whether a disclosure is reasonable will depend on the specific facts, including the nature of the organisation to whom the information is disclosed. It will very rarely be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external, for example from Public Concern at Work.

## **8. Reporting serious incidents**

- 8.1. Bureau trustees have a legal duty to report on the Annual Return to the Charity Commission what are termed 'serious incidents'. Before taking this step trustees should contact Citizens Advice via Bureaux Direct. Full details are on GOV.UK: [www.gov.uk/how-to-report-a-serious-incident-in-your-charity](http://www.gov.uk/how-to-report-a-serious-incident-in-your-charity)
- 8.2. Auditors and Independent Examiners also have a legal 'whistle-blowing' duty to report any matter of material significance to the Charity Commission.

## **9. Protection and support for whistle-blowers**

- 9.1. It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support those who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2. Anyone raising a genuine concern must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the appropriate supervisor or manager, or, where this is not possible, the Chair of the Trustee Board.
- 9.3. Trustees, paid staff, or volunteers must not threaten or retaliate against whistle-blowers in any way. Any paid member of staff involved in such conduct may be subject to

disciplinary action, and appropriate formal action may also be taken against volunteers. Trustees may be removed from the governing body, in accordance with the bureau's governing document.

## **10. Confidentiality requirement for staff and volunteers**

10.1. Although you have a duty of confidentiality to CAB Gwynedd, this duty does not apply in respect of any disclosure which is justified under this policy, so long as that disclosure is made within certain legal guidelines as reflected in this policy.

**This version approved by the Executive Committee on 10 January 2017.**

## **Appendix One – Whistle-blowing: appropriate regulators**

The identity of the appropriate regulator will depend on the nature of your concern. However, the regulator must be one of those prescribed by an order made by the Secretary of State for the purposes of the Public Interest Disclosure Act 1998. The [list of prescribed people and bodies](#) is available on GOV.UK. The list includes:

- Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government and health service bodies
- The Charity Commission - [www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees](http://www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees)
- Commissioners for Her Majesty's Revenue and Customs (HMRC)
- Director of the Serious Fraud Office
- Environment Agency
- Financial Conduct Authority (FCA)
- Health and Safety Executive
- Information Commissioner
- Local authorities which are responsible for the enforcement of health and safety legislation
- The Pensions Regulator

## **Appendix Two – Checklist for good investigative practice**

This is an enhanced version of the BMIS guidance on [handling complaints](#).

### **General**

- Respond to complaints in a timely manner – acknowledge the complaint within 5 working days and provide a full response within 20 working days.
- Check whether there have been any previous complaints from this person or about the member(s) of staff involved.
- Check whether the complainant needs support – for example, interpretation and language services, advocacy, access to induction loops etc.

### **The investigation**

- The person undertaking the investigation must not be implicated in the complaint.
- Brief yourself on the background to the complaint and obtain relevant documents. Ask the complainant if there is anything they wish to add. The [Bureaux Direct helpdesk](#) may be of assistance.

- Contact the complainant to clarify the complaint and outcome sought, and to explain the limitations of the outcomes on offer at this stage.
- Establish clear terms of reference for the investigation covering which issues are considered in and out of scope for the investigation: this can be helpful in managing people's expectations of what can be achieved through the process.
- It may be wise in the terms of reference to agree that the final report should remain confidential to the bureau and complainant and not be made public.
- Agree the terms of reference with all parties before the start of any investigation.
- Conduct any interviews (whether face-to-face or by telephone) in as informal and relaxed a manner as possible. Face-to-face interviews are not always needed but may be prudent where the complainant has difficulties expressing themselves in writing.
- Separate hearsay from fact.
- Keep written records of all interviews held and ensure that all parties agree with the accuracy of the final record.
- If you have any queries about a piece of written evidence, you should contact the person who provided it for clarification.
- Some evidence provided may be historical and you will need to decide whether it is in or out of scope for the investigation. It is helpful to consider this at the outset when agreeing the terms of reference.

### **The report**

- Draft a report setting out the issues raised, the evidence you've established and your conclusions.
- Remember that an investigation is not a disciplinary process – the aim is to find out the facts, establish what happened and reach a judgment on the issues.
- Be clear about how any final report can be used and ensure that this is covered in the terms of reference (see above).

### **Appendix Three – Related policies and procedures**

Dignity at work

Disciplinary

Fraud, theft and bribery

Gifts and hospitality

Grievance

ICT usage and security

Recruitment and selection

Volunteer complaints