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CLIMBING OUT OF DEPRESSION

# Draft Whistleblowing Policy

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## 1. WHAT IS WHISTLEBLOWING?

Whistleblowing, or public interest disclosure, is when a worker reports a concern about the improper actions or omissions of their colleagues or their employer which may cause harm to others or to the organisation.

Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have personally been poorly treated. A whistleblower is not necessarily directly or personally affected by the concern and therefore rarely has a direct personal interest in the outcome of any investigation into their concerns. The whistleblower raises the concern so that others can address it.

The disclosure should be made 'in good faith'. In other words the disclosure must be made out of real concern about wrongdoing. The whistleblower should reasonably believe the information and allegation is substantially true, even if the information later turns out to have been incorrect.

Knowingly and maliciously making false accusations for ulterior motives is not whistleblowing. The whistleblower should reasonably believe the information and allegation is substantially true, even if the information later turns out to have been incorrect.

## 2. WHAT IS THE PURPOSE OF THIS POLICY?

COOD is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and those working with the charity, including employees, contractors, volunteers and clients.

This policy aims to help all working or volunteering with, or receiving a service from, COOD to raise any serious concerns they may have about colleagues or their employer/contractor with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is informed by the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

## 3. WHAT TYPES OF CONCERNS DOES THIS POLICY REFER TO?

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- a criminal offence
- a failure to comply with any legal obligation
- a failure in the protection of children or vulnerable adults
- a miscarriage of justice
- a health and safety risk
- a damage to the environment
- or concealment of the above.

This policy should be read in conjunction with COOD's Health & Safety, Safeguarding and Anti- Bullying and Harassment Policies which inform and detail actions to be taken for concerns in these areas.

Any complaints staff or contractors may have about their employment or terms of contract should be dealt with through COOD's Grievance Procedure (see [COOD Grievance Policy](#)).

If the concern relates wholly or mainly to the conduct of a person or body other than COOD, or any other matter for which a person or body other than COOD has legal responsibility, the disclosure should be made to that other person or body.

## 4. RAISING A CONCERN / MAKING A DISCLOSURE

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact their trade union or professional association (if applicable), or the independent charity:

**Protect <https://protect-advice.org.uk/concerns>**

**Tel: 0203 117 2520**

They will be able to advise on how and with whom to raise a concern about malpractice.

It is not necessary for the individual who raises the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur and COOD offers protection to individuals against harassment, bullying and discrimination.

However, if an individual knowingly or maliciously makes an untrue allegation (eg: in order to cause disruption to the work of the charity), COOD will take appropriate action against them.

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

Individuals are encouraged to raise their concerns in writing where possible setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns. This should be addressed to the Board of Trustees using the 'Contact us' form via the COOD Website. Whistleblowing concerns should be made to the DSO. If the concern relates to the DSO the concern should be made to the Chair.

It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by the charity's Trustees, through the disciplinary process or it may be referred to other agencies depending on the nature of the concern.

## 5. PROTECTING THE INDIVIDUAL RAISING THE CONCERN

If an individual raises a concern which they believe to be true, COOD will take appropriate action to protect the individual from any harassment, victimisation or bullying. Employees or contractors who raise a genuine concern under this policy will not be at risk of losing their contract or job. Nor, will it influence any unrelated disciplinary action, redundancy procedures or contractual decisions.

The matter will be treated confidentially if the individual requests it and their name or position will not be revealed without their permission unless COOD is required to do so by law.

If, in other circumstances, the concern cannot be resolved without revealing the individual's identity, the DSO will discuss with the individual whether and how to proceed, depending on the seriousness of the matter; whether the concern is believable and/or whether an investigation can be carried out based on the information provided.

Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.

## 6. HOW COOD WILL DEAL WITH THE CONCERN

COOD undertakes to address concerns quickly and thoroughly. Following an initial investigation the chair or DSO will be contacted as appropriate, and will undertake an initial investigation.

Wherever possible, feedback on the progress and outcome of any investigation will be shared with the individual who initially raised the concern.

If the suspicions are confirmed it may be necessary to initiate disciplinary proceedings or refer to external agencies where it may be that the individual is required to give evidence.

If the matter is not dealt with internally, whistleblowers can disclose to appropriate external bodies such as the charity commission.