



This policy:

- Applies to all employees, volunteers, agency workers, Trustees and those providing services under a contract or other agreement (referred to within this policy as “colleagues”).
- Replaces the Whistleblowing Policy (last reviewed September 2018)
- In compliance with the No Life Half Lived Strategy: *“To be effective and accountable in all that we do.”*
- This policy does not form part of any employee's contract of employment and we may amend it at any time.

In line with our commitment to equal opportunities, this policy can be made available in a variety of formats, including large print, translated into another language or other media. Reasonable adjustments will also be made where required to assist individuals who have a disability.

We will endeavour to develop fair and consistent policies, procedures and practices to support our aims, values and objectives.

1. Our Human Rights Approach

- 1.1 We recognise everyone’s individual rights and freedoms. They are based on important principles such as dignity, fairness, respect, discrimination and equality.
- 1.2 Where a whistleblowing process is being applied, will be involved in a fair process, be given the opportunity to be fully engaged in this process and report any whistleblowing concern without judgement or prejudice.
- 1.3 In developing a human rights based approach, this means that colleagues have been fully supported to participate in the development of this policy.

2. Our Values

- 2.1 Our values are at the heart of what we do. We also recognise that people are the most important asset in achieving No Life Half Lived in Scotland.



3. Statement of Intent

- 3.1 'Whistleblowing' means the reporting by colleagues of suspected misconduct, illegal acts or failure to act within CHSS. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.
- 3.2 Colleagues are often the first to realise that there may be something seriously wrong within CHSS. 'Whistleblowing' is viewed by CHSS as a positive act that can make a valuable contribution to CHSS's efficiency and long-term success. It is not disloyal to colleagues or CHSS to speak up. CHSS is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of raising a concern. Any suspected wrongdoing should be reported as soon as possible.
- 3.3 If a colleague is considering raising a concern they should read this policy first. It explains:
- the type of issues that can be raised;
 - how the person raising a concern will be supported;
 - how to raise a concern; and
 - CHSS's procedures for addressing whistleblowing disclosures.
- 3.4 If the colleague is unsure whether or how to use this policy or have any questions about it, they should speak to their Line Manager. Alternatively they may seek independent advice from, for example, a trade union or contact the independent charity Protect on 0203 117 2520 or by email to whistle@pcaw.co.uk (their advisers can give free confidential advice on how to raise a concern about serious malpractice at work).
- 3.5 This policy is:
- Designed to encourage colleagues to raise their concerns about wrongdoing or malpractice within CHSS without fear of detriment.
 - Intended to encourage those who become aware of wrongdoing in CHSS to report their concerns at the earliest opportunity so that they can be properly investigated.



- Intended to encourage and enable the colleague to raise serious concerns **within** CHSS rather than ignoring a problem or 'blowing the whistle' outside.
- Not intended to replace existing procedures:
 - If the colleague's concern relates to their own treatment as a colleague, they should raise it under the grievance or other applicable procedure.
 - For safeguarding concerns, there is a separate Safeguarding Policy and reporting concern procedure. Please contact the Safeguarding team at safeguarding@chss.org.uk.
 - If a service user has a concern about services provided to him/her, it should be raised as a complaint to CHSS in accordance with our Complaints Policy.
 - Misconduct by CHSS Board of Trustees is dealt with under a separate procedure.

3.6 This policy aims to:

- encourage colleagues who have serious concerns about CHSS's work to come forward and voice those concerns.
- encourage colleagues to feel confident and supported in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for colleagues to raise those concerns and receive feedback on any action taken
- provide the means for colleagues to receive a response to their concerns and to inform them of how to pursue them if they are not satisfied
- reassure colleagues that they will be protected from detriment if they have made a whistleblowing disclosure in accordance with this policy.

4. General Principles

- 4.1 The colleague may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling that it is none of their business or that it is only a suspicion. Equally the colleague might feel that raising their concerns might be disloyal to their colleagues or CHSS or that there would be repercussions for speaking out.
- 4.2 If the colleague raises a genuine concern under this policy they will be supported even if their concern proves to be groundless.



4.3 If it should become clear this policy has been used maliciously (for example to pursue a grudge against another colleague) then this will constitute misconduct and may be dealt with under our disciplinary procedure.

What should be reported?

4.4 Any serious concerns about service provision or the conduct of CHSS colleagues or others acting on behalf of CHSS that:

- breaches known standards;
- are not in keeping with CHSS's Constitution and policies;
- fall below established standards of practice; or
- is improper behaviour.

4.5 These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation);
- disclosures related to miscarriages of justice;
- health and safety of the public and/or other colleagues;
- damage to the environment;
- unauthorised use of public funds or other assets;
- fraud and corruption;
- neglect or abuse of clients; or
- other unethical conduct.

This list is not exhaustive.

Protecting the Colleague – The Colleague's Legal Rights

4.6 This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects colleagues making disclosures about genuine matters of concern, including related to the matters set out in 2.5 above, when those disclosures are made in accordance with the Act's provisions and in the public interest.

4.7 The Act makes it unlawful for colleagues who have made a whistleblowing disclosure to suffer detrimental treatment as a result. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.



4.8 Rarely, a case might arise where it is the colleague that has participated in the action causing concern. In such a case it is in the colleague's interest to come into the open as soon as possible. CHSS may have to act against the colleague however the fact they came forward may be taken into account.

Harassment or Victimisation

4.9 Colleagues must not threaten or retaliate in any way against those who have made disclosures under this policy. If colleagues are involved in such conduct they may be subject to disciplinary action.

4.10 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. The Public Interest Disclosure Act 1998 protects colleagues who report wrongdoing within the workplace. If the colleague feels that they are being subjected to any detriment as a result of raising a concern under this procedure they must inform the Chief Executive.

4.11 We hope that colleagues will feel able to raise whistleblowing concerns openly under this policy. However, if the colleague asks us to keep their identity confidential when raising a concern under this procedure CHSS will make every effort to respect their wishes save where external authorities will need to become involved.

Support to the Colleague

4.12 CHSS recognises that the decision to report a concern can be a difficult one to make. If the colleague raises a genuine concern they will be supported by CHSS even if they turn out to be mistaken.

4.13 Throughout this process:

- the colleague will be given support from senior management
- the colleague's concerns will be taken seriously, and
- CHSS will do all it can to promptly and fully investigate the concerns.

Confidentiality

4.14 All concerns will be treated in confidence and every reasonable effort will be made not to reveal a whistleblower's identity if that is what they wish. If disciplinary or other proceedings follow the investigation, it may



not be possible to take action as a result of the colleague's disclosure without their help, so the colleague may be asked to come forward as a witness. If the colleague agrees to this, they will be offered advice and support.

Anonymous Allegations

- 4.15 CHSS encourages the colleague to put their name to the allegation whenever possible. If the colleague does not tell us who they are it will be much more difficult for us to properly investigate and/or to establish whether allegations are credible.
- 4.16 Concerns expressed anonymously are much less powerful but they may be considered at the discretion of CHSS. In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issue raised
 - the credibility of the concern, and
 - the likelihood of confirming the allegation from other sources

False Allegations

- 4.17 If the colleague makes an allegation genuinely and reasonably believing it to be true, but it is not confirmed by the investigation, CHSS will recognise the concern and report accordingly. If however, the colleague makes an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action may be taken.

5. Procedure

Who to Contact

- 5.1 In the first instance raise the matter with the Line Manager either verbally or in writing. This will be treated confidentially. Alternatively, the colleague can contact any of the following:
- Director of People Driven Development (also CHSS's Designated Safeguarding Lead)
 - Head of Human Resources & Organisational Development
 - Chief Executive



- 5.2 The non-Executive member of the Board of Trustees (Andrew Morris) will have oversight of this policy and be informed of any whistleblowing concerns.
- 5.3 This procedure will be amended where the Director of People Driven Development raises a whistleblowing concern. They will refer their concern to the Chair.
- 5.4 The address for correspondence **is** Chest Heart & Stroke Scotland, Rosebery House, 9 Haymarket Terrace, Edinburgh, EH12 5EZ (Hobart House, 80 Hanover Street, Edinburgh, EH2 1EL from June 2021). Telephone 0131 225 6963. Email: hrdept@chss.org.uk. Any correspondence **must** be marked “Personal”.
- 5.5 If, exceptionally, the concern is about the Chief Executive their concern should be raised with the Chair of the Board of Trustees using the above postal address, who will decide how the investigation will proceed. This may include external investigation.
- 5.6 Appendix 1 summarises the process to be followed when reporting a whistleblowing concern.

How to raise a concern

- 5.7 The colleague may raise their concern by telephone, in person or in writing. The earlier the colleague expresses their concern, the easier it is to take action. The colleague should provide the following information:
 - the nature of the concern and any supporting evidence
 - the background and history of the concern (giving relevant dates)
- 5.8 Although the colleague is not expected to prove the truth of their suspicion, they will need to demonstrate to the contact person (at 3.1 above) that they have a genuine concern relating to suspected wrongdoing or malpractice within CHSS and the reasonable grounds for their concern.
- 5.9 The colleague may invite their trade union, professional association representative or a colleague to be present for support during any meetings or interviews in connection with the concerns they have



raised. Any companion must respect the confidentiality of the disclosure and any subsequent investigation.

What CHSS will do

- 5.10 CHSS will respond to the colleague's concerns as quickly as reasonably practicable.
- 5.11 The overriding principle for CHSS will be the public interest. In order to be fair to all colleagues, including those who may be wrongly or mistakenly implicated, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 5.12 The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.
- 5.13 Where appropriate, the matters raised may:
- be investigated by management, an external agency, or through the disciplinary/grievance process
 - be referred to the police
 - be referred to the external auditor
 - be referred and put through CHSS's Safeguarding Policy and supporting policies/ procedures
- 5.14 Within ten working days of a concern being raised (where practicable), the person investigating their concern will write to the colleague:
- acknowledging that the concern has been received
 - indicating how CHSS proposes to deal with the matter
 - supplying the colleague with information on staff support mechanisms
 - telling the colleague whether further investigations will take place and if not, why not.
- 5.15 If the matter requires further investigation this will be carried out and CHSS will where appropriate notify the colleague of the outcome of that investigation and what action if any has been taken.



- 5.16 If the colleague remains unhappy with the speed or outcome of the investigation, the way in which the matter was dealt with or if the colleague feels unable to raise the matter with their Line Manager for any reason then the colleague should refer the matter to the Director of People Driven Development. When the Director of People Driven Development has investigated they will where appropriate notify the colleague of the outcome of the investigation and what action if any has been taken.
- 5.17 The colleague should note that CHSS may not be able to tell them the precise action taken where this would infringe a duty of confidence owed by us to someone else.

Contact with the Colleague

- 5.18 The amount of contact between the colleague and the officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of their information. It is likely that the colleague will be interviewed to best enable their disclosure to be fully understood.
- 5.19 Meetings can be arranged away from the workplace, if the colleague wishes, and a union or professional association representative or a colleague may accompany the colleague in support.
- 5.20 CHSS will do what it can to minimise any difficulties that the colleague may experience as a result of raising a concern. For instance, if the colleague is asked to give evidence in criminal or disciplinary proceedings, CHSS may arrange for the colleague to receive appropriate advice and support.
- 5.21 The colleague will be assured that their disclosure has been properly addressed. Unless there are genuine reasons why this cannot be done, we aim to keep the colleague informed of the progress and outcome of any investigation.

How the Matter can be Taken Further

- 5.22 This policy is intended to provide the colleague with an avenue within CHSS to raise concerns. CHSS hopes the colleague will be satisfied with any action taken. If the colleague is not, and they feel it is right to



take the matter outside CHSS, the following are CHSS's prescribed contacts:

- their trade union
- a professional body
- Police Scotland
- Protect (Independent Whistleblowing Charity)

6. Role of the People Driven Development Department

6.1 The People Driven Development Department includes the Director of People Driven Development, Head of Human Resources & Organisational Development and Safeguarding Coordinator. They are available to give advice and interpretation on any aspect of this policy.

7. Monitoring and Review

7.1 The Director of People Driven Development (or Head of Human Resources & Organisational Development in their absence) will maintain a confidential record of whistleblowing disclosures.

7.2 The Director of People Driven Development (or Head of Human Resources & Organisational Development in their absence) will review the record and produce an annual report for the Staff Governance Committee. The report will include a summary of the disclosures, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any colleague names.

7.3 The aim of this is to facilitate that:

- CHSS and/or the relevant department learns from mistakes and does not repeat them, and
- consistency of approach across the departments
- The record together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

7.4 The policy will be reviewed every 3 years or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.



Whistleblowing Policy Flowchart

