

CITIZENS ADVICE REIGATE AND BANSTEAD WHISTLEBLOWING POLICY

1.0 Introduction

- 1.1 Citizens Advice Reigate and Banstead attaches great importance to identifying and remedying malpractice, and where an employee or volunteer (including trustees) has reasonable grounds for a whistleblowing complaint. This policy aims to ensure that they will feel confident to raise the matter, safe in the knowledge it will be taken seriously, dealt with confidentially and without fear of harassment, discrimination or victimisation.
- 1.2 Citizens Advice Reigate and Banstead will support all past and present staff, and volunteers (including trustees) who, in good faith, raise whistleblowing concerns; however, it is only current paid staff who are protected under the [Public Interest Disclosure Act \(PIDA\) 1998](#) from detrimental treatment or victimisation if they report wrongdoing. Further information on protection and support for those who raise whistleblowing concerns is provided in section 10.0.
- 1.3 Citizens Advice Reigate and Banstead will also take disciplinary action where allowed against anyone who victimises or harasses a paid member of staff or volunteer (including trustees) who raises a whistleblowing concern.
- 1.4 Disciplinary action will also be taken against paid staff, and appropriate formal action will be taken against volunteers who make malicious, false or vexatious whistleblowing complaints. Trustees may be removed from the governing body, in accordance with the Citizens Advice Reigate and Banstead governing document, for knowingly making vexatious or false allegations.
- 1.5 The purpose of the whistleblowing policy and procedures is to encourage paid staff and volunteers (including trustees) to speak up about things that are wrong so that, wherever possible, they can be put right.

2.0 Defining whistleblowing

- 2.1 Whistleblowing is a broad term covering a range of ways of raising serious concerns of malpractice or wrongdoings which affect the interests of Citizens Advice Reigate and Banstead or others, such as members of the public, the environment or partner agencies. In its simplest terms, a whistleblowing complaint is where there is a genuine belief of legal wrongdoing and it would be in the public interest to disclose.
- 2.2 [PIDA 1998](#) states that whistleblowing concerns or 'qualifying disclosures' relate to:
 - a criminal offence
 - a breach of a legal obligation
 - a miscarriage of justice
 - a danger to the health and safety of any individual
 - damage to the environment
 - deliberate concealment of information in relation to any of the five matters listed above

3.0 Scope

- 3.1 This policy applies to past and present paid members of staff and volunteers (including trustees) of Citizens Advice Reigate and Banstead who believe they have genuine concerns that may qualify as a whistleblowing complaint. Qualifying criteria for a whistleblowing complaint are listed in 2.2, and there must be reasonable grounds that concerns are true, are happening now, have happened in the past or are likely to happen in the future.
- 3.2 Citizens Advice Reigate and Banstead has a range of policies and procedures which deal with standards of behaviour at work, for example, volunteer complaints model procedure, grievance, discrimination, bullying and harassment. Paid staff and volunteers are encouraged to use these policies and procedures where appropriate:
- Dignity at work policy: guidance and model policy
 - Disciplinary policy & procedure
 - Fraud, dishonesty and corruption policy
 - Gifts and hospitality: model policy
 - Policy: Grievance
 - ICT security policy
 - Equality and Diversity policy
 - Volunteer complaints model procedure
- 3.3 If the concern you have is not covered by one of the above policies and you believe that it has the potential to damage Citizens Advice Reigate and Banstead or bring the service into serious disrepute, the whistleblowing policy and procedures may, at the discretion of Citizens Advice Reigate and Banstead, be used to investigate the concern.
- 3.4 In the majority of cases, whistleblowing concerns will be investigated internally by Citizens Advice Reigate and Banstead Trustee Board in accordance with the Statutory whistle-blowing procedures set out in the [PIDA 1998](#).
- 3.5 In very exceptional situations where all other options for investigating the complaint internally have been exhausted, the whistleblowing concern can be investigated externally by a specific prescribed person or body: see section 8.0. For example, if you are blowing the whistle on malpractice in a charity you should contact the Charity Commission – see Appendix 1 for details of prescribed bodies. In addition, whistleblowing concerns can be raised with [your legal adviser](#) or to [your MP](#).

WHISTLEBLOWING PROCEDURES

4.0 Reporting your concerns

- 4.1 Current paid staff and volunteers should discuss their concerns informally in person or by telephone with their manager or supervisor. Trustees should raise any concerns informally with the Chair. It is important to note that only current employees have protections under the [Public Interest Disclosure Act \(PIDA\) 1998](#), if they have a 'qualifying disclosure' or 'whistleblowing' complaint.
- 4.2 Former staff and volunteers should report any concerns within 3 months from their last official date as a member of staff or volunteer. Whistleblowing complaints from former staff and volunteers outside of the 3 month period will be handled in line with

these procedures at the discretion of Citizens Advice Reigate and Banstead or national Citizens Advice.

- 4.3 Where staff and volunteers past and present do not feel it is appropriate to raise concerns informally with their manager or supervisor they should write to the manager in overall charge of Citizens Advice Reigate and Banstead.

4.3.1 If the manager is implicated in your concerns, then write to the Chair of the trustee board.

4.3.2 If you have reasonable grounds to believe that no one in the local Citizens Advice management or governance structure would be able to deal with your concerns fairly and effectively, you can raise the issues with national Citizens Advice to investigate (see section 6.2 and flowchart B, section 6.7).

- 4.4 Citizens Advice Reigate and Banstead is committed to making reasonable adjustments to remove barriers to whistleblowing for disabled people. If you have a disability which makes it difficult to express your concern in writing, you can make your complaint to the Chair of the trustee board in person or by telephone.

- 4.5 You should provide as much information as possible to support your concerns, including key issues, dates, 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, and that the complaint is not malicious, false or vexatious.

- 4.6 If you raise a malicious, vexatious or knowingly untrue complaint under these whistleblowing procedures in order to harm staff, volunteers or Citizens Advice Reigate and Banstead, you will (if a current employee), face disciplinary action which could include dismissal, and volunteers will be stood down with immediate effect.

4.6.1 Whistleblowers proven to have made false, malicious or vexatious complaints should be aware that legal action could be taken against them by the individual or organisation against whom they have raised a complaint.

- 4.7 You are strongly encouraged not to make anonymous whistleblowing reports as it is much more difficult for your concern to be investigated and for Citizens Advice Reigate and Banstead to protect your position or give you feedback. Accordingly, anonymous and non-anonymous reports alike will be considered and investigated following the due diligence and assessment of Citizens Advice Reigate and Banstead with respect to the following criteria:

- The likelihood of confirming the allegation
- The qualification of the concern under PIDA
- The credibility and motivation for the concerns being raised
- Safeguarding concerns

- 4.8 Typically, your whistleblowing concern will be investigated internally by Citizens Advice Reigate and Banstead Trustee Board in accordance with the Statutory whistle-blowing procedures set out in the [PIDA 1998](#). In exceptional situations, the whistleblowing concern can be investigated externally by a specific prescribed person or body, see section 8.0 for details.

4.8.1 In some circumstances external reporting of your concerns will be necessary and trustees in particular have a responsibility to report certain 'serious incidents' to

the Charity Commission, as referenced in section 9.0. In addition, whistleblowing concerns can be raised with [your legal adviser](#) or [your MP](#).

- 4.9 If you are a manager or trustee and are unsure of how to respond to concerns raised under these procedures, please contact your Relationship Manager for support and guidance.

5.0 How to report whistleblowing complaints or concerns to Citizens Advice Reigate and Banstead

- 5.1 Whistleblowing concerns that are disclosed without malice and in good faith under PIDA 1998 will be investigated in a similar way to complaints as set out in the Client complaints policy, procedure and guidance.
- 5.2 Whistleblowers may have an expectation that national Citizens Advice will investigate all whistleblowing concerns. This isn't the case, and as stated in section 3, the first stage is usually for Citizens Advice Reigate and Banstead to investigate.
- 5.3 You will receive a written acknowledgement of your whistleblowing complaint, confirming that it is being treated confidentially, within 5 working days. The response will indicate how the matter will be dealt with and will give an estimate of the timescale for a final response, which typically will be within 30 working days.

5.3.1 If during the investigation (or review of the investigation by national Citizens Advice) it looks like it will take longer than 30 working days, a revised timescale and the reasons for it will be communicated at a reasonable time.

- 5.4 You will be informed in writing of the outcome of the investigation, subject to any legal constraints that may apply. If your whistleblowing complaint is not upheld, no action will be taken against you. Citizens Advice Reigate and Banstead will take all reasonable steps to protect you from any detriment including victimisation, disciplinary action or criticism, if you have made a whistleblowing complaint in line with PIDA and these procedures.
- 5.5 If after the investigation by Citizens Advice Reigate and Banstead, you are not satisfied with the response, you can ask national Citizens Advice to review the investigation.
- 5.6 An overview of how to report whistleblowing concerns and how it will be managed by Citizens Advice Reigate and Banstead is shown in Appendix 1 Flowchart A.

6.0 The role of national Citizens Advice in whistleblowing complaints

- 6.1 National Citizens Advice can be involved in one of two ways regarding whistleblowing complaints or concerns. National Citizens Advice can be asked to review the response to the whistleblowing complaint by Citizens Advice Reigate and Banstead if the whistleblower feels that:
- The complaint has not been fully addressed; or
 - An investigation cannot be done effectively by Citizens Advice Reigate and Banstead

- 6.2 To request a national Citizens Advice review of the original whistleblowing complaint investigated by Citizens Advice Reigate and Banstead, or to request that national Citizens Advice carries out an investigation of the concerns, please email whistleblowing@citizensadvice.org.uk setting out the reasons why Citizens Advice should conduct an investigation of the whistleblowing complaint or review the response to the complaint by Citizens Advice Reigate and Banstead.

6.2.1 If you have a disability which makes it difficult to write, the Client Services team will oversee the transcription of your whistleblowing complaint and email it to whistleblowing@citizensadvice.org.uk on your behalf. In this instance, please contact the Client Services team on 03000 231 900.

- 6.3 All requests to national Citizens Advice to investigate whistleblowing concerns or to review the response of Citizens Advice Reigate and Banstead to those concerns, will be considered objectively by the national Citizens Advice senior manager responsible for the day to day management of the national Citizens Advice service complaints policies. The senior manager will correspond with the whistleblower as set out in sections 5.3 and 5.4. Consideration will be given to the criteria set out in section 4.7 and to the information obtained from both Citizens Advice Reigate and Banstead and the whistleblower when deciding whether it's appropriate or not for national Citizens Advice to investigate the complaint or review the decision of Citizens Advice Reigate and Banstead.

- 6.4 If national Citizens Advice agrees to investigate the complaint or review the response to the complaint by Citizens Advice Reigate and Banstead, an external, unconflicted and responsible person will be identified to lead the investigation or review.

- 6.5 The person identified to conduct the investigation or review on behalf of national Citizens Advice will exercise 'due diligence' with support (if required) from Citizens Advice Reigate and Banstead, and appropriate Citizens Advice staff e.g. Relationship Managers, and scrutinise the complaint against the criteria listed in section 4.7. The chair of the local trustee board will also receive a summary of the concerns with every effort made to anonymise the whistleblower.

- 6.6 If the whistleblower has clear, justifiable reasons for not agreeing to the identified, unconflicted person conducting the investigation or review of the original Citizens Advice Reigate and Banstead response, they must make these reasons known to national Citizens Advice in a timely manner.

6.6.1 While national Citizens Advice will consider these reasons, the decision as to who leads the investigation or review rests ultimately with national Citizens Advice, and that decision is final.

- 6.7 An overview of how national Citizens Advice will handle requests to review a whistleblowing decision or to conduct an investigation is shown in Appendix 2 Flowchart B.

7.0 The outcome

- 7.1 Whether national Citizens Advice is asked to conduct a review of the response to the whistleblowing concerns by Citizens Advice Reigate and Banstead or an investigation of those concerns, the aim is to take an objective and independent approach to the complaint as opposed to assuming the position of expert adjudicator.

- 7.2 With respect to the aim set out in 7.1, the whistleblower will normally be informed in writing of the outcome by national Citizens Advice following its review or investigation within 30 working days.
- 7.3 The decision of national Citizens Advice is final, and the outcomes and findings will normally be shared with the Citizens Advice Reigate and Banstead trustee board and national Citizens Advice as appropriate
- 7.4 On occasions it may be necessary to develop an action plan to address matters arising from the investigation. In these situations, national Citizens Advice will ensure appropriate support and guidance is provided to support Citizens Advice Reigate and Banstead in developing plans and with the resulting actions. This is likely to be provided by the Relationship Manager but on occasion other support may also be provided.

8.0 External reporting – exceptional cases

- 8.1 Citizens Advice Reigate and Banstead would expect that, in almost all cases, raising whistleblowing concerns internally or with national Citizens Advice would be the most appropriate action for you to take.
- 8.2 If you are a paid member of staff, volunteer or trustee and have a significant reason why you cannot raise your concerns internally, you should consider raising the matter with the appropriate prescribed person in terms of the Public Interest Disclosure Act 1998 (see Appendix 3).
- 8.3 Disclosures made externally by paid staff under the provisions of the Public Interest Disclosure Act do not have to be made 'in good faith'. However, such disclosures are not protected under the Act unless the employee reasonably believes that the disclosure is made in the public interest. It follows that employees will not usually be able to make qualifying disclosures about their contract of employment because these are individual agreements.
- 8.4 Requesting an external whistleblowing investigation should be done only in exceptional situations, where you believe that the information and any allegations are true and that disclosing them externally is in the public interest.
- 8.5 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 who can also provide confidential advice regarding the disclosure of wrongdoing in the workplace:

Address:
Public Concern at Work
CAN Mezzanine
7 - 14 Great Dover Street
London SE1 4YR

Whistleblowing Advice Line: 020 7404 6609
Business Support: 020 3117 2525
General enquiries: 020 3117 2520

Fax: 020 7403 8823

Email:

Advice line: whistle@pcaw.org.uk

Media enquiries: press@pcaw.org.uk

Business support services: services@pcaw.org.uk

- 8.6 If you choose to disclose information externally to a person who is not a prescribed person or a responsible third party, e.g. through a media platform you should be aware that your disclosure may not be covered under this policy and possibly not by the legislation.
- 8.7 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.

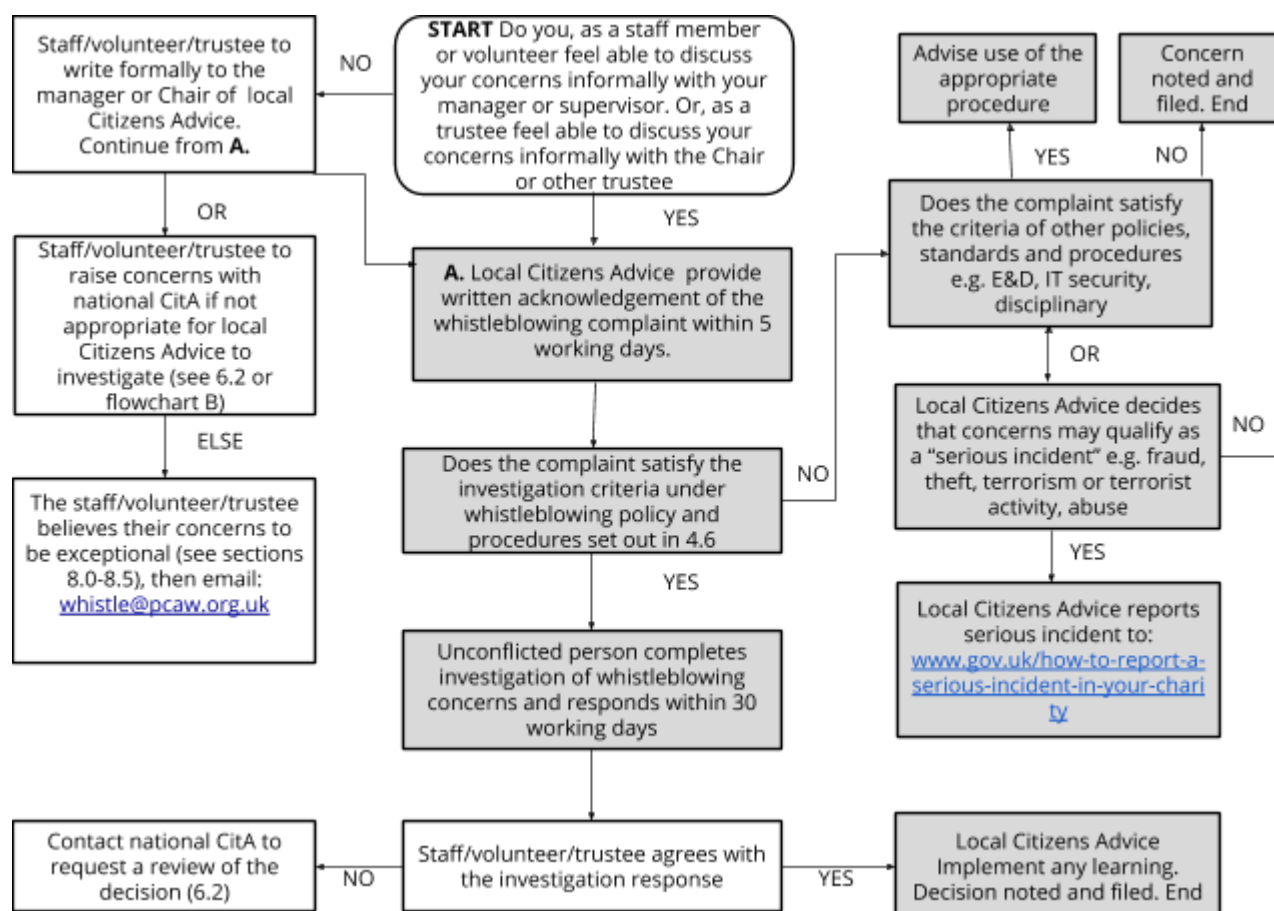
9.0 Reporting serious incidents

- 9.1 Citizens Advice Reigate and Banstead 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 national Citizens Advice. Full details are on: www.gov.uk/how-to-report-a-serious-incident-in-your-charity
- 9.2 Auditors and Independent Examiners also have a legal 'whistleblowing' duty to report any matter of material significance to the Charity Commission.

10.0 Protection and support for whistleblowers

- 10.1 Anyone raising a genuine concern will 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.
- 10.2 If you raise a genuine concern in accordance with these procedures, you will not be at risk of losing your role at Citizens Advice Reigate and Banstead or suffer any form of harassment, discrimination or victimisation as a result, even if you are mistaken or if there is an innocent explanation for your concerns. Paid staff have external legal protections under the [Public Interest Disclosure Act 1998](#).
- 10.3 Trustees, paid staff, or volunteers must not threaten or retaliate against whistleblowers 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 Citizens Advice Reigate and Banstead governing document.
- 10.4 If you are a paid member of staff or volunteer (including trustees) and believe that you have suffered any detrimental treatment or victimisation, you should inform your supervisor or manager, or, where this is not possible or it is more appropriate, the Chair of trustees. However, this assurance does not apply if you maliciously or falsely raise a matter which you know to be untrue. In this event, action will be taken as stated in 1.4.

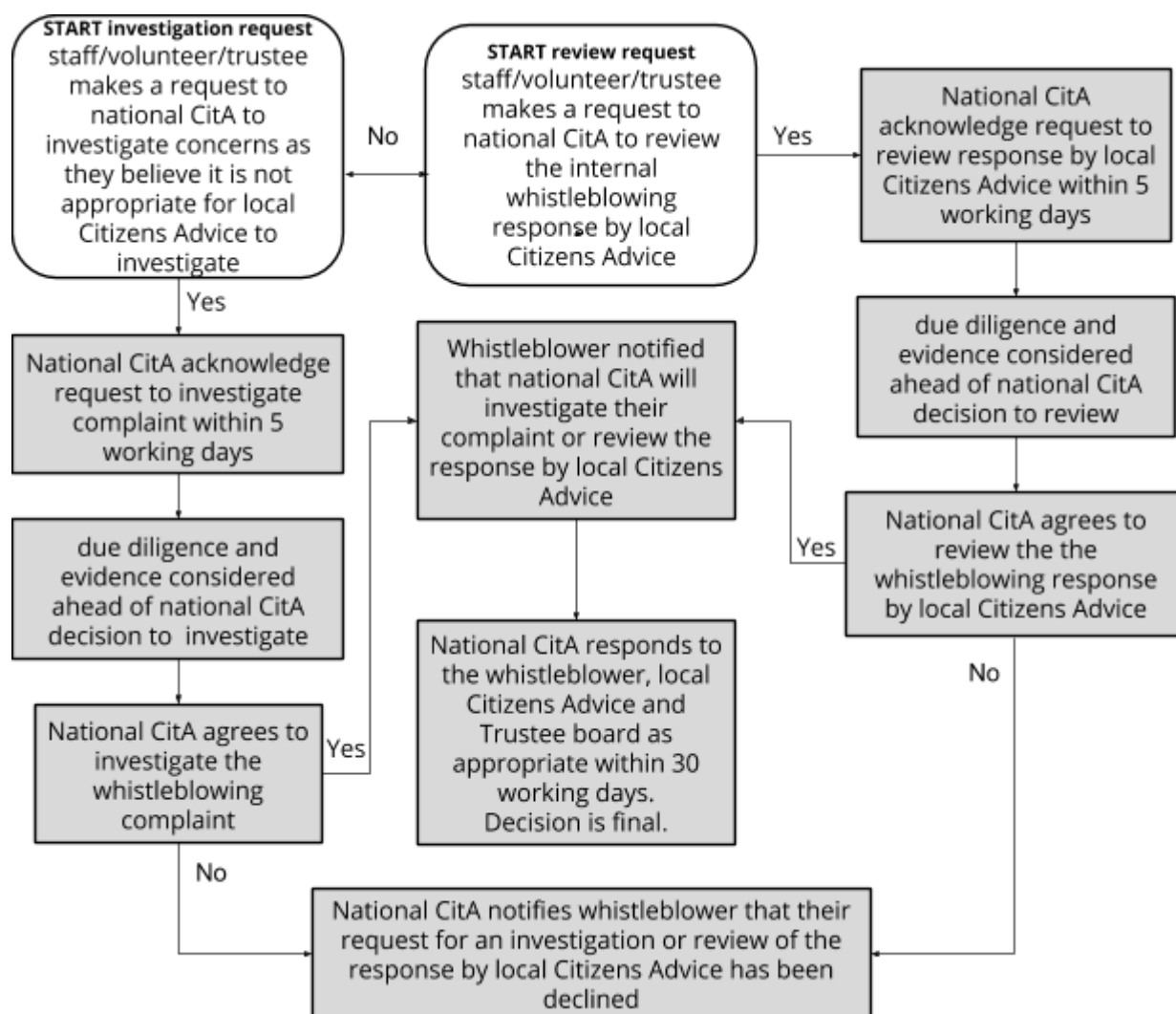
Appendix 1: Flowchart A Overview of how to report whistleblowing concerns and how it will be managed by Citizens Advice Reigate and Banstead



Key:

- Clear boxes - Action taken by whistleblower (staff/volunteer/trustee)
- Shaded boxes - Action taken by Citizens Advice Reigate and Banstead (CARBS)
- CitA - national Citizens Advice
- Pcaw - Public concerns at work

Appendix 2 Flowchart B Overview of how national Citizens Advice will handle requests to review a whistleblowing decision or to conduct an investigation



Key:

Clear boxes - Action taken by whistleblower (staff/volunteer/trustee)

Shaded boxes - Action taken by national Citizens Advice

Appendix 3 Whistle-blowing: prescribed people and bodies appropriate regulators

The identity of the prescribed person or body 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 [current list of prescribed people and bodies](#) is available on GOV.UK. It includes:

- Business, finance or fraud
- Charities
- Consumer protection
- Data protection and freedom of information
- Education
- Environment
- Health and Safety
- Housing
- Pensions
- Police and Justice
- Social services and child welfare
- Trade Unions
- Transport
- Utilities