

GCUK: Whistleblowing Policy

Policy

This policy details how trustees and representatives can raise any serious concerns they may have about colleagues or the charity and its operation with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

Objectives

GIST Cancer UK (GCUK) 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 as volunteers.

The policy is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

Definitions

Representatives means all those where the nature of their work for the charity, whether paid or unpaid, is regular and structured. This includes trustees, paid staff, Helpline volunteers, and consultants or equivalents.

Beneficiaries means all those who benefit from, engage with, or come into contact with GCUK. It includes patients, carers, family or friends who engage with the charity.

Trustee means a member of the GCUK Board of Trustees.

Volunteer means someone who supports the work of the charity, without being paid, and where the nature of the work is unstructured, ad hoc or intermittent.

Responsibilities

The Board of Trustees is responsible for the Whistleblowing Policy and for keeping it under regular review.

Procedures

Types of concerns?

This policy is intended to deal with serious or sensitive concerns about wrongdoings such as:

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

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur.

However, if an individual knowingly or maliciously makes an untrue allegation (e.g.: in order to cause disruption within GCUK). GCUK will take appropriate disciplinary action against them. It may constitute gross misconduct.

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.

GCUK's Bullying and Harassment policy offers protection against harassment, bullying and discrimination.

Representatives and Beneficiaries should make complaints or raise concerns through the Complaints Procedure.

How to raise a concern

The officer designated to handle whistleblowing concerns is for **Cathy Hampshire** and shall be known as the Whistleblowing Officer.

In most cases representatives should speak to the Trustees in charge of their area, who will be expected to respond to the matter. If the relevant Trustee is unavailable or is unable to deal with the matter, they will then refer the concern to the Whistleblowing Officer.

Dependent on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing, the individual can, if necessary report directly to the Whistleblowing Officer. If the matter concerns the Whistleblowing Officer, it should be raised with the Chair of the Board of Trustees.

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.

Volunteers may wish to seek the assistance of the independent charity, Public Concern at Work's legal helpline on 020 7404 6609, email: helpline@pcaw.co.uk

Public Concern at Work will be able to advise on how and with whom to raise a concern about malpractice. Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.

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

Protecting the individual raising the concern

If an individual raises a concern which they believe to be true, GCUK will take appropriate action to protect the individual from any harassment, victimisation or bullying. Volunteers who raise a genuine concern under this policy will not be at risk of losing their role, nor will it influence any unrelated disciplinary action.

The matter will be treated confidentially if the individual requests it and their name or position will be not be revealed without their permission unless GCUK has to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual's identity, the Whistleblowing Officer will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the Whistleblowing Officer will decide whether or not to consider the matter taking into account:

- the seriousness of the matter;
- whether the concern is believable;
- whether an investigation can be carried out based on the information provided.

How the charity will deal with the concern

How the concern will be dealt with, will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by the GCUK's Whistleblowing Officer, the Trustees, through the disciplinary process or it may be referred to the police, other agencies such as Social Services, an external auditor or an independent investigator. It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

The charity will give the individual feedback on the progress and outcome of any investigation wherever possible. If the suspicions are not confirmed by an investigation, the matter will be closed. Volunteers will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

General Guidance

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 charity. Obvious examples of such improper actions include theft, fraud, abuse, breaches of health & safety.

The disclosure should be made 'in good faith'. In other words, the disclosure must be made out of real concern about wrongdoing. Knowingly and maliciously making false accusations for ulterior motives is not whistleblowing. The whistle-blower should reasonably believe the information and allegation is substantially true, even if the

information later turns out to have been incorrect.

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 whistle-blower is usually not 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 whistle-blower raises the concern so that others can address it. Examples of concern may include:

- a volunteer defrauding the charity or anyone associated with the charity;
- the physical or emotional abuse of children, young people, vulnerable adults or the elderly;
- anyone making inappropriate use of the charity's resource (e.g. for their own personal benefit);

Good Practice

For effective risk management, representatives need to be confident that they can raise matters of concern without suffering any detriment. Not dealing with problems early could have a devastating effect on organisations with costly fines, compensation, higher insurance premiums, damaged reputation, regulatory investigation, lost jobs, and even lost lives. Whistleblowing can be an early warning system for volunteers and an effective policy can provide a clear framework for action for all involved in the charity.

The Legislation

The Public Interest Disclosure Act came into force in July 1999. The Act encourages workers to raise concerns about malpractice – dangerous or illegal activity – in the workplace. It does not matter whether the wrongdoing takes place in the United Kingdom or abroad.

Once a disclosure has been made in good faith to a manager or employer it will be protected under the Act. This should normally be the first route for volunteers, rather than having to disclose the concern externally.

However, it does mean that the matter should be dealt with by the charity quickly and thoroughly.

If the matter is not dealt with internally, whistle-blowers can disclose to appropriate external bodies. The Act protects disclosures made to prescribed bodies such as the Health and Safety Executive, the Inland Revenue, the Audit Commission, the Charity Commission, the Commission for Social Care Inspection, the Financial Services, General Social Care Council, the Housing Corporation, the Information Commissioner and the National Care Standards Commission (full list can be found at www.pcaaw.co.uk/law/lawregulatorses.htm).

The disclosure is also protected if it is made to a legal advisor in order to obtain legal advice. The Act also helps ensure that organisations respond without trying to cover up, or to victimise or dismiss the whistle-blower. If the whistle-blower fears they may be victimised, or that a cover-up is likely or there is no appropriate prescribed regulator, or if the matter has already been raised internally or with a prescribed body, wider disclosures can be made and still be protected.

Wider disclosures might be to another professional body, the police, an MP, the media, etc. They should still be reasonable in all circumstances considering the seriousness of the matter and likelihood of re-occurrence. Reasonableness would also include consideration of whether the volunteer first followed any internal whistleblowing procedure the organisation may have.

However, if the wrongdoing is of an 'exceptionally serious nature', (such as involving a murder enquiry) the whistle-blower need not fear victimisation or cover up to make a protected disclosure to an external body, although it should still be reasonable particularly with regard to whom the disclosure is made.

If the whistle-blower is victimised for making the disclosure, they can bring a claim to an employment tribunal for compensation. Dismissals of volunteers for making a protected disclosure are automatically unfair.

Compensation awards will be uncapped and based on the losses suffered. Any clauses in an agreement between a volunteer and the charity which prevent the volunteer from making disclosures protected under the Act will be void.

Further Information

Protect (Whistleblowing Advice) Limited This charity is an independent authority on public interest and whistleblowing. It promotes compliance with the law and good practice. They also aim to influence public policy and legislation. <https://protect-advice.org.uk/>

Information on whistleblowing can be accessed through the government websites

www.gov.uk/whistleblowing/overview

The Chartered Institute of Personnel and Development (CIPD) CIPD is the professional body for those involved in the management and development of people. They have a factsheet on whistleblowing.

www.cipd.co.uk/subjects/empreltns/whistleblw/whistle.htm

Version Control - Approval and Review

Policy owner: Cathy Hampshire Designated Trustee (Whistleblowing Officer)

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