

AN INTRODUCTION TO WHISTLEBLOWING

It is much easier to identify problems early and address them promptly if you have a simple, hassle-free way for staff and volunteers to raise concerns about things like safeguarding, health and safety and, of course, fraud.

HELP SHEET

What is whistleblowing?

Sometimes it's more helpful to think of this as 'speaking up' or 'raising a concern'. Often this will be by an employee or volunteer who feels they must draw urgent attention to what they see as a serious risk or threat to the charity or its work.

Whistleblowing is not:

- the airing of a personal grievance or complaint (this would normally be dealt with under grievance, anti-harassment or anti-bullying procedures);
- auditors and independent examiners raising significant concerns about the accounts (they would be performing their legal duty); or
- trustees identifying serious problems and taking the lead in fixing them (these are among their official responsibilities).

A HEALTHY SPEAK-UP CULTURE, effective whistleblowing mechanisms and strong internal financial controls can together help ensure that a charity is well-managed and its funds are used for the purposes intended - factors which research shows have a strong influence on public trust and confidence.

Raising concerns

Making it easy for your staff and volunteers to raise concerns (whether with senior management/trustees or externally with the regulator) can be very helpful in identifying wrongdoing, but only if people really trust the mechanism and process. It's important to remove as many barriers to speaking up as possible.

- **Organisational:** Are staff confident that their concerns will be heard and that the response will be prompt, robust and effective? (If they think allegations won't be taken seriously they won't take the risk.)
- **Cultural:** Do some staff find it difficult to discuss confidential matters with senior colleagues? (Differences in age, gender, tenure, status and 'style' can all act as obstacles to openness and clarity.)
- **Personal:** Might someone thinking of speaking up have reason to fear reprisals, against themselves or someone else, such as being held back, losing their job or somehow being forced out?
- **Lack of knowledge:** Is everyone sufficiently aware of the reporting process and how to use it? (They will need reminding regularly.)

A basic policy

It should clearly explain the following.

- Who is covered.
- Which wrongdoings are covered.
- How confidentiality is maintained.
- How anonymous allegations are handled.
- How untrue allegations are handled.
- How concerns should be raised and with whom.
- What happens after a concern is raised.
- The safeguards and support available to whistleblowers.
- How the system is monitored and improved.

Public interest disclosures

When an employee raises a serious concern at work in line with the law relating to public interest disclosures employment law protects them against unfair dismissal or detrimental treatment by their employer.

Your policy should make clear what constitutes lawful and unlawful treatment of a whistleblower. It should also explain that anyone can report concerns straight to the regulator.

The role of the charity regulators

The three UK charity regulators (Charity Commission for England and Wales, the Scottish Charity Regulator, Charity Commission for Northern Ireland) all encourage charity staff and volunteers to report serious concerns straight to them, particularly when the reporter feels unable to speak up at work.

Five steps to get started

1. **Create a policy:** This should set out your charity's approach to whistleblowing and make clear the value you place on speaking up. This is where you define what counts as whistleblowing, who can raise concerns, through which mechanisms, and how they will then be dealt with. Include a step-by-step guide to what happens after a report has been made, including the possibility of onward referral to the police and regulator once an internal investigation is complete.

To promote trust in the system make absolutely clear that all information received is treated in the strictest confidence.

2. **Promote it:** To encourage staff and volunteers to use the reporting mechanism publicise it widely and make sure it is properly understood. Create a staff guide to explain the what, why, where, how and to whom of making a report. Look for opportunities to assess staff confidence in the system. Stress (repeatedly) that raising concerns and tackling problems is vitally important to maintaining the charity's financial health and achieving its charitable aims.

3. **Appoint a whistleblowing adviser:**

Make someone responsible for receiving and processing reports. Ideally they will have the seniority and listening skills to match the responsibilities, as well as the standing to be widely trusted to perform the role discretely, in confidence and in line with policy.

4. **Have a procedure:** When someone does raise a concern there should be a clear process for taking up the issue, looking into it and then deciding what, if anything, needs to be done. The reporter should have explained to them what feedback they will receive as the matter proceeds. The full response might need to include a serious incident report to the regulator by your trustees.

5. **Monitor and review:** The monitoring of (anonymised) data can yield valuable insights into both the usefulness of the whistleblowing system in mitigating risks and how best to improve it. If there have been no whistleblowing reports make sure this is not a sign that staff and volunteers lack confidence in the system.

OTHER RESOURCES

The Charity Commission for England and Wales has produced guidance on how to '**Report serious wrongdoing at a charity as a worker or volunteer**'.

The Scottish Charity Regulator has produced guidance on '**Whistleblowing to OSCR**'.

The Charity Commission for Northern Ireland has produced a range of resources covering this area. See '**Concerns about charities guidance**', '**Whistleblowing in charities: a thematic report from the Charity Commission for Northern Ireland**', and '**Serious incident reporting: a guide for charity trustees**'.

Protect is a charity providing free and confidential advice to anyone who has witnessed wrongdoing in their work place but is unsure how to raise their concerns.

Preventing Charity Fraud contains resources to help charities prevent, detect and respond to fraud.

CHECKLIST

BUILDING YOUR CHARITY'S DEFENCES

ASK YOURSELF:

- Do we have a written policy and procedure on whistleblowing? Does it distinguish between whistleblowing and other grievances?
- Is our internal reporting mechanism easy for everyone to access and use? (Perhaps not everyone has access to email, can operate the intranet discretely or afford the cost of a call to a hotline?)
- Are staff and volunteers encouraged to raise concerns? Do we foster a culture in which we avoid blame and instead seek opportunities to learn from our collective mistakes?
- Has a suitably experienced and qualified person been appointed to support whistleblowers and to carry forward their concerns?
- Are staff aware of how to approach the regulator when they don't want to speak-up at work?
- Do we review reporting information to see what it can teach us about the effectiveness of our whistleblowing policy and practices - and do we act on its lessons?

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DISCLAIMER

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