

## **Context**

### **What is whistleblowing?**

Whistle blowing is a process of reporting wrongdoing, usually in a work environment. The wrongdoing being disclosed must be in the public interest, i.e. it must affect others, such as the general public. whistleblowers are protected by law and should not be treated unfairly. Concerns can be raised about something that has happened in the past, is happening now or you believe to be happening in the future. This definition is from the UK Government website: [Whistleblowing for employees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/whistleblowing).

### **At a glance**

This document includes an introduction and scope of the policy, information about what subject matters Whistleblowing is likely to be related to, as well as information about 'protected disclosures'. It also includes the disclosure procedure, along with details of what will happen during a Whistleblowing investigation. It also provides information about other potential routes for wider disclosure and details about support and information related to whistleblowing.

### **Introduction**

Creative Lives is committed to being open, honest, and accountable, and encouraging a free and transparent culture in its dealing between its Trustees, employees, freelancers, volunteers and the public. It is in the public interest and in the interest of Creative Lives that a Whistleblower should have a procedure for reporting concerns about its conduct and have protection from being subjected to disciplinary action as a result. This Policy therefore sets out Creative Lives' policy and procedure as to how a whistleblower may report such concerns and as to how they will be protected by Creative Lives from a concern reported by them in accordance with this Policy.

### **Scope of this Policy**

Creative Lives has provided a procedure for employees and volunteers to report concerns about the conduct of the organisation. This Policy only applies in the context of the conduct of the Charity. This Policy does not apply to a grievance – a grievance relates to an employee's / volunteer's own position or personal circumstances, whereas whistleblowing relates not to the person making a report but instead to a general concern which has a public interest aspect to it. A grievance should be dealt with by following the procedure in the Creative Lives Grievance Procedure. It is also worth noting that the Whistleblowing policy is distinct from the Protection and Safeguarding of Children and Vulnerable Adults Policy, but the policies may intersect if a whistleblower is reporting concerns that impact children and vulnerable adults.

**Confidential Information and ‘protected disclosures’**

Employees and Volunteers may, in carrying out their duties, have access to, or come into contact with, information of a confidential nature but, except in the proper performance of their duties, they must not disclose, or make use of in any form whatsoever, such confidential information. However this policy allows employees to make a “protected disclosure” of certain information, and Creative Lives allows volunteers as well as employees to do so under this Policy.

**Specific Subject Matter**

If during their duties with Creative Lives, a whistleblower comes across or becomes aware of information which they reasonably believe it is in the public interest to disclose and they do not feel able to raise it via other policies such as grievance and complaints, they should use the whistleblowing policy. If whistleblowing occurs it is likely to show one or more of the following in relation to Creative Lives and its conduct:

- A criminal offence (including fraud, theft or bribery) has been committed, is being committed or is likely to be committed.
- A person has failed, is failing or is likely to fail to comply with any legal, professional or regulatory duty or obligation to which they are subject.
- A person has failed, is failing or is likely to fail to protect children or vulnerable adults.
- A miscarriage of justice has occurred, is occurring, or is likely to occur.
- The health or safety of any individual has been, is being, or is likely to be, endangered.
- The environment, has been, is being, or is likely to be, damaged.
- There is or has been any financial malpractice or impropriety.
- There is or has been conduct likely to damage the reputation or financial wellbeing of Creative Lives.

If information relating to any of the above is being, or is likely to be, deliberately concealed employees should use the Creative Lives disclosure procedure as set out below.

**Disclosure Procedure**

1. If a whistleblower reasonably believes that information tends to show one or more of the above, they should promptly disclose it to their Line Manager. If it is inappropriate for the whistleblower to make such a disclosure to their Line Manager (e.g., if the information to be disclosed relates to wrongdoing by their Line Manager or it is of an exceptionally serious nature) the whistleblower should instead make the disclosure to the Chair or CEO of Creative Lives.

- If it relates to the CEO, they should make the disclosure to the Chair of trustees of Creative Lives.
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2. A whistleblower should preferably make a disclosure in writing (including email) but they may also do so by telephone or in person.
3. A whistleblower does not have to provide evidence about their concern, but they will generally need to provide at least the following:
- The nature of their concern and why they believe it to be true.
  - The background and history of their concern (where possible).

### **The Investigation process**

As part of the investigation the identity of the whistleblower, their concern, and the information disclosed by them, will be kept confidential by Creative Lives if it does not hinder or frustrate initial enquiries, or any subsequent investigation carried out.

There will be an initial enquiry by the person to whom the concern is disclosed, to resolve the issue informally if possible. If that is not possible within 10 working days after the initial report of the concern, there will be a two-stage investigation process, as follows. The investigation will be carried out as quickly as possible.

**Stage 1:** within 15 working days after the report of a concern is made Creative Lives will confirm that the investigation will take place and will be in confidence and without detriment to the whistleblower, and that the line manager or other person to whom the disclosure is made will investigate it with the whistleblower and document any relevant facts relating to the concern.

**Stage 2:** On completion of the investigation, the person who has carried out the investigation will provide all information gathered in the investigation and will pass it to the Chair/CEO of Creative Lives so that they can consider the matter in full and decide on what if any further action should be taken in line with relevant good practice and policies.

Where the investigation concludes that there has been wrongdoing, further action may include disciplinary proceedings for one or more of the persons involved in it.

Where possible, the Charity will inform the whistleblower of all matters in relation to the investigation including any course of action decided.

### **Matters Relating to the use of the Procedure.**

Where a whistleblower makes a disclosure, they do not have to prove the truth of the allegations they make when disclosing their concern. They may even be mistaken about it, but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some wrongdoing.

Creative Lives is committed to dealing with a concern raised by a Whistleblower pursuant to this Policy as quickly as possible, in an appropriate, fair and professional manner.

### **Other Means of Disclosure External**

whistleblowers are encouraged to report a concern internally rather than externally, and they should normally do so, but if a whistleblower feels that they cannot reasonably do so, then they may instead raise it with:

- Public Concern at Work <https://www.pca.w.org.uk/> a charity which aims to empower individuals to speak up about wrongdoing in the workplace and can provide advice to a whistleblower.
- The Fundraising Regulator. In order that it can act, it will first require the Whistleblower's consent to contact Creative Lives: [Ethical fundraising, sustainable giving | Fundraising Regulator](#)
- The Office of the Scottish Charity Regulator: [OSCR | Home](#)

### **Wider Disclosure**

In certain exceptional circumstances, there may be wider disclosure, e.g. to a Whistleblower's MP, or to the police, or to the press. However, a whistleblower should seek advice from Public Concern at Work or a legal adviser before considering making such a disclosure, and in that connection please note that unjustifiable wider disclosure could result in disciplinary action by Creative Lives against the whistleblower.

### **Support**

Whistleblowing of any kind can be stressful and isolating. Confidential support can be provided to whistleblowers at Creative Lives through our Employee Support Scheme. You may want to seek external advice and support from organisations such as Public Concern at Work, Unions and the Citizen Advice Bureau. You may also find the the Government Website summary useful: [Whistleblowing for employees - GOV.UK \(www.gov.uk\)](#)

*Approved by the Creative Lives Board in May 2022  
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