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Whistleblowing Policy

System for Dealing with Information Known to COSCA (Counselling & Psychotherapy in Scotland) about Members

Introduction

Outside of the complaints, appeals and grievance procedures, information about members relevant to their continued membership can become known to COSCA through a variety of sources e.g. press reports, journals, hearsay, anonymous sources, and whistle blowing.

Appendix A contains the relevant sections of The Memorandum and Articles of Association of COSCA, the Standing Orders, and the Statement of Ethics that state how the Board can review and terminate membership and what members should do when they find out about a possible breach by themselves or others of the Statement of Ethics and Code of Practice or the Constitution of COSCA. These documents also identify how those whose membership has been terminated should be dealt with.

This system acknowledges that the powers given in the above documents are not sufficient for dealing with information about members that is known to COSCA and is not examined under the complaints, appeals or grievance procedures. The system outlined here is for dealing with this kind of information.

Outline of System

Outside of the complaints, appeals and grievance procedures, all information on COSCA members that is relevant to the continuation of their membership of COSCA can be made known to COSCA through the Chief Executive.

This includes relevant information from press reports, journals, hearsay, anonymous sources, personal experience, whistle blowing, letters, emails, phone calls, and any other means of verbal or written form of communication.

Disclosures of information relevant to membership can refer to matters happening now, matters that took place in the past, or are likely to happen in the future.

It should be noted that the person making a disclosure must have reasonable belief that the information disclosed tends to show one or more breaches of COSCA's Statement of Ethics and Code of Practice or Memorandum and Articles of Association. The belief need not be correct - it might be discovered subsequently that the person making the disclosure was in fact wrong - but the person must show that he/she held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure.

Disclosures can refer to matters that took place both in the UK and overseas.

A disclosure cannot be made to COSCA if in making it a person commits an offence (e.g. if disclosure was prohibited under the Official Secrets Act 1989).

Throughout the disclosure, the person making the disclosure must act in good faith, reasonably believe that the information, and any allegation it contains, is *substantially true*, and not be acting for personal gain.

In addition, it must be reasonable for the person to make the disclosure in view of all the circumstances, having regard in particular to *the identity of the person or organisation about whom the disclosure is made*.

Disclosures must be made to the Chief Executive of COSCA. On receipt of a disclosure, the procedure below will be followed:

Stage 1: Investigation

The Chief Executive will treat the information seriously, and appoint an independent person or persons to carry out an investigation promptly and objectively.

The investigation will establish whether it is reasonable for the person to make the disclosure. The Chief Executive and the independent person or persons will decide whether the person making the disclosure acted reasonably, in all the circumstances, but in particular will take into account:

- *the identity of the person to whom the disclosure was made* (e.g. it may be more likely to be considered reasonable to disclose to a professional body like COSCA that has responsibility for standards and conduct in counselling and psychotherapy than to the media)
- the *seriousness* of the relevant breach
- whether the relevant breach *is continuing or is likely to occur again*

Stage 2: Informal Procedure

The Chief Executive will take steps to rectify matters informally. This can involve:

- raising awareness with the member concerned of the fact that their behaviour has or is breaching the Statement of Ethics and Code of Practice or the Memorandum and Articles of Association of COSCA
- requiring the member concerned to demonstrate awareness of the breach(es)
- receiving sufficient assurance from the concerned member that the breach(es) will not continue
- reaching a written agreement from the concerned member that the behaviour has ceased and will not re-occur.

If the matter has not been resolved at this informal stage to COSCA's satisfaction, then it proceeds to Stage 3: Formal Procedure.

Stage 3: Formal Procedure

If the matter is still unresolved to COSCA's satisfaction at Stage 2, the individual or organisation about whom the information is known will be given an additional opportunity to make a case to COSCA. At this point, COSCA needs to be assured that the matter is resolved.

Following this, if the matter is still un-resolved, it will be referred to COSCA's Ethics Committee for the concerned member's membership to be reviewed or terminated, in accord with COSCA's Complaints Procedure.

The above members can appeal against the decision(s) of the Ethics Committee or Complaints Panel, through the COSCA Appeals Procedure, within two months of the decision being made. The grounds for appeal are listed in COSCA's Complaints Procedure under Appeals Procedure.

Brian
Chief Executive
COSCA (Counselling & Psychotherapy in Scotland)

Appendix A

1. Articles of Association of COSCA

Article 20 states:

‘Membership of the Company may be reviewed and if appropriate terminated by the Board if the Member fails to act in accordance with the Company’s Articles of Association for the time being, or, if in the opinion of the Board (as to which the Board shall be the sole judge) the continued Membership of such body could bring the Company into disrepute. Without prejudice to the foregoing generality, the Board shall be entitled to terminate Membership if in its sole opinion a Member has failed or may have failed to act in accordance with or otherwise generally to treat itself as being bound (in whole or in part) by the terms of any code of ethics or code of practice which may from time to time be adopted by the Company in General Meeting. Should the Board determine that reason for review of Membership has arisen it shall refer the matter for consideration in accordance with the Standing Orders of the Company relating to the review and termination of Membership from time to time in force.’

2. Standing Orders

Section 3 Complaints, Disciplinary and Appeals Procedures states that:

‘Procedures to enable the processing of complaints, disciplinary matters and appeals shall be determined by the Board. The procedures devised in writing for these purposes shall be reported to COSCA in general meeting for ratification.’

Section 5 Review and Termination of Membership states that:

- 5.1 ‘No organisation or individual whose membership has been terminated according to the Articles of Association, shall hold any office or role within COSCA’s organisational structure.’

- 5.2 ‘An organisation or individual whose membership has been terminated according to the Articles of Association shall immediately and automatically lose any accreditation, registration, and any other forms of recognition and status previously awarded by COSCA.’

3. Statement of Ethics and Code of Practice

Paragraph 10, under 10 Professional Responsibilities, states that:

‘10.1 In all aspects of their professional work, members recognise their responsibilities and obligations to colleagues in their own profession and in other professions. Members are expected to ensure that they are appropriately supported via supervision, consultation or coaching, to carry out their responsibilities.

10.2 When members employ, train or supervise others, they are committed to furthering the professional development and encouraging the personal development of these people.

10.3 Members must work within the law.

10.4 Members must accept any procedure or decision of COSCA relating to its Statement of Ethics or Code of Practice.

10.5 When a member knows of a possible breach in the COSCA Statement of Ethics and/or Code of Practice by another member, they may first informally attempt to resolve the matter by bringing it confidentially to the attention of the other member. If the breach is serious, or an informal solution is not forthcoming, a complaint should be raised by invoking the COSCA Complaints Procedure.

10.6 Members must notify the Chair of COSCA’s Ethics Committee at the COSCA Office if:

10.6.1 a complaint is upheld against them by another professional body which might have a bearing on their practice as a counsellor, psychotherapist, supervisor, counselling skills user, and/or a trainer in the above fields;

10.6.2 they are convicted of a criminal offence which might have a bearing on their practice as a counsellor, psychotherapist, supervisor, counselling skills user, and/or a trainer in the above fields;

10.6.3 successful civil proceedings are brought against them which might have a bearing on their practice as a counsellor, psychotherapist, supervisor, counselling skills user, and/or a trainer in the above fields.

In any of these cases, or in the case of such notification being deliberately withheld by the member, the Policy Board has the right to review the member’s membership of COSCA.

Brian Magee
Chief Executive
COSCA (Counselling and Psychotherapy in Scotland)