



Whistleblowing Policy

BACKGROUND INFORMATION	
Document Purpose	To support and protect staff and volunteers in raising concerns and making disclosures linked to wrong doing or dangerous activities at Fir Tree CIC.
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POLICY HISTORY		
Date	Amendments Made	Authorised By

Introduction

Fir Tree CIC is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the Fir Tree CIC policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

Aims and Objectives

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise such concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

Implementation

This policy and associated procedures apply in full to all staff and volunteers at Fir Tree CIC and extends to include both the directors and governing body. This policy does not form part of an employee's contract of employment and is not intended to have contractual effect.

A. WHAT IS WHISTLEBLOWING?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity;
- Miscarriages of justice;
- Danger to health or safety;
- Damage to the environment;
- Failure to comply with any legal obligation or regulatory requirements;
- Bribery;
- Fraud;
- Administrative malpractice (financial or non-financial);
- Professional malpractice;
- Improper conduct or unethical behaviour;
- Unauthorised disclosures of confidential information;
- Concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of Fir Tree CIC activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to staff's own personal circumstances, such as the way you have been treated at work. In those cases, you should follow the Grievance Policy and Procedure.

If staff are uncertain whether something is within the scope of this policy, they should seek advice from the Centre Manager and if the matter is in relation to an alleged wrongdoing by the Directors then staff should seek the advice of the CIC regulator.

B. RAISING A WHISTLEBLOWING CONCERN

Fir Tree CIC hopes that in many cases staff will be able to raise any concerns with their line manager, speaking to them in person or putting the matter in writing if they prefer. The line manager may be able to agree a way of resolving the concern quickly and effectively or may refer the matter to the Centre Manager who is responsible for whistleblowing concerns. Concerns should be submitted in writing to the Centre Manager explaining the nature of the concern. Where the concern relates to the Centre Manager, concerns should then be raised directly with the Directors in writing.

In all cases where a concern is raised, the receiving individual will acknowledge the receipt of the concern and keep a record of all action taken. If on preliminary examination, the concern is judged to be wholly without substance or merit or not of a public interest nature, no further action may be taken. In this case, the Centre Manager will notify the Directors of the concern raised and their decision to take no further action.

Where the Centre Manager feels that a concern is supported, they will immediately inform the Directors to arrange a meeting with the 'whistleblower' as soon as practical

to discuss their concern in further detail. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Centre Manager/Directors will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Centre Manager/Directors should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The Centre Manager/Directors will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practical after the meeting. The Centre Manager/Director will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

C. INVESTIGATION AND OUTCOME

Once a member of Staff has raised a concern, the Centre Manager/Directors will carry out an initial assessment to determine the scope of any investigation. The Centre Manager/Directors will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases, the Centre Manager and one Director will investigate any issue. In rare cases Fir Tree CIC may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable Fir Tree CIC to minimise the risk of future wrongdoing.

The Centre Manager/Directors will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the directors from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the investigation concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under Fir Tree Disciplinary Policy.

Whilst Fir Tree CIC cannot always guarantee the outcome a particular member of staff is seeking, the Centre Manager/Directors will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her

concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Centre Manager/Directors, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

D. PROTECTION AND SUPPORT FOR 'WHISTLEBLOWERS'

It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. Fir Tree CIC aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Directors immediately. If the matter is not remedied the member of staff should raise it formally using the Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Centre Manager in the first instance.

E. CONFIDENTIALITY

Fir Tree CIC hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, Fir Tree CIC will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblowers' identity, Fir Tree CIC will discuss this with the member of staff first.

Fir Tree CIC does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if Fir Tree CIC cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblowers' who are concerned about possible

reprisals if their identity is revealed should come forward to one of the directors and appropriate measures can then be taken to preserve confidentiality.

If an individual misuse the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the Disciplinary Procedure. If the Centre Manager/Directors know or have a suspicion that an employee comes into this category, then s/he will take advice to determine what action should be taken.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistle blowing charity)

Helpline: 020 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

F. EXTERNAL DISCLOSURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Monitoring

- The Centre Manager and Directors will monitor the implementation and success of the policy as required and necessary, reviewing its success on a regular basis.
- The Centre Manager in consultation with the senior leadership team and directors will review the policy annually.

Related Documents

- Grievance procedure;
- Disciplinary policy.