Whistleblowing Policy

Version Control

Version	Drafted by/Reviwed	Date	Approved by	Date	Sections Amended	Next Review Date
2.0	JWH	June 23	Board	June 2023	n/a	June 2024
3.0	JWH/LG	Feb 25	Board	18/02/25		Feb 27

Links with other Policies
• Dignity in the Workplace
• Anti-Harassment and Bullying Policy
• Disciplinary and Dismissal Policy
• Safeguarding Children & Young People
• Safeguarding Adults

Policy Statement

Community First will not condone any form of malpractice and is committed to creating a safe, fair and honest environment for employees and those involved with the charity.

The charity's whistleblowing policy encourages and enables those employed and involved with the organisation to speak out when they encounter or suspect malpractice.

No one who raises a genuine concern about malpractice will be at risk of losing their job or suffering any other form of retribution because of doing so, including harassment or victimisation.

1. Principles

1.1 This policy aims to enable and encourage staff to raise concerns within Community First. It recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998 and any subsequent legislation, as incorporated into the Employment Rights Act 1996.

1.2 Community First takes safeguarding very seriously and is committed to creating a safe, open and transparent workplace culture, where employees are encouraged to raise concerns at the earliest opportunity. Community First recognises that employees are often the first to realise that there may be something seriously wrong within an organisation.

1.3 It is important to Community First that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. Community First is committed to tackle malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If any cases of wrongdoing are upheld, they will be seriously dealt with.

1.4 Community First encourages staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Employees will be listened to and serious concerns will be investigated.

1.5 Community First will ensure that all new employees, supervisors and managers will receive induction on the policy and will provide refresher training to all members of staff so that they are aware of whistleblowing law and know how to use this policy.

1.6 This policy allows staff to take the matter further if they are dissatisfied with the management response and aims to reassure staff that they will be protected from harassment or victimisation from co-workers or from Community First for raising concerns.

2. Definitions and scope

2.1 This policy applies to all staff including temporary, casual and agency staff, work experience, trainees and apprentices. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also encouraged to use it.

2.2 For the purpose of this policy, Community First recognises that whistleblowing is the passing on of information about wrongdoing at work. The whistle blower must reasonably believe that they are acting in the public interest.

2.3 The statutory categories for wrongdoing are:

- a criminal offence (such as insurance fraud or illegal tax evasion)
- a breach of any legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- deliberate concealment of information about any of the above.

2.4 Examples of wrongdoing might include (but are not restricted to):

- unsafe working conditions
- lack of, or poor, response to a reported safety incident
- inadequate induction or training for staff
- suspicions of fraud
- a bullying culture (across a team or organisation rather than individual instances of bullying).

2.5 It is not necessary for the member of staff to have proof that wrongdoing is being, has been, or is likely to be committed. A reasonable belief is sufficient to disclose the concern. The member of staff has no responsibility for investigating the wrongdoing. It is the organisation's responsibility to ensure that an investigation takes place.

2.6 A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

2.7 Community First recognises that any so-called 'gagging' or confidentiality clauses in settlement agreements or non-disclosure agreements with individuals do not prevent members of staff from making disclosures in the public interest and are void in such circumstances.

2.8 If the wrongdoing that the staff member wants to disclose is not included in the list above, advice may be sought from the designated officers (see section 4 below) or from a trade union representative on the use of the appropriate policy.

2.9 This policy is not for staff with concerns about their employment that affect only them – that type of concern is better suited to the grievance policy, dignity at work policy or Safeguarding Policy, which can be found in Community First's Share Point Policies file.

2.10 Community First recognises employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions in this policy.

2.11 This policy will be reviewed annually from date of issue by the designated officer/s (see section 4 below) in conjunction with the senior management team. Where review is necessary due to legislative change, this will happen immediately.

3. Roles and Responsibilities

3.1 The senior management team and Board or Trustees are responsible and accountable for this Whistleblowing Policy and Procedure. They will:

- demonstrate commitment to developing an open culture within the organisation, through actions and strategy
- appoint designated officer/s.

3.2 All staff have a duty to report wrongdoing (whistle blow) under the circumstances set out in Section 2 of this policy.

3.3 Line managers are responsible for:

- ensuring all staff are aware of this policy and procedure and their responsibilities
- investigating issues raised promptly and thoroughly
- fostering an open culture within their teams
- ensuring any whistle blower is not subject to detriment
- escalating issues and engaging the support of designated officer/s where required.

3.4 Designated officer/s (see below) have lead responsibility for the whistleblowing procedure and for dealing with issues raised. They will:

- oversee and review the whistleblowing policy and procedure
- providing advice and support to managers and employees
- ensure learning from whistleblowing cases is fed back to the wider organisation
- ensure managers are trained in dealing with issues
- investigating issues raised with them directly promptly and thoroughly
- informing all reported disclosures to the Chief Executive and the actions being taken
- ensure the process is monitored and improved where required
- provide reports on whistleblowing activity on an annual basis to the senior management team.

4. Designated officers

4.1 The following people have been agreed by Community First as designated officers for concerns under this procedure:

Position	Name	Email address	Telephone
Your Line Manager			
Chief Executive	Lynn Gibson	lgibson@communityfirst.org.uk	01380 732811
Chairman of the HR Committee	Merope Sylvester	mjsylvester@hotmail.com	
Chairman of the Board of Trustees	James Moody	jmoody@testvalley.gov.uk	

4.2 These designated officers will act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation.

4.3 All these people have been given special responsibility in dealing with whistleblowing concerns and will give you information about where you can go for more support. They will:

- treat the concern confidentially unless otherwise agreed
- ensure the staff member receives timely support to progress their concern
- escalate to senior management any indications that the staff member is being subjected to detriment for raising their concern
- remind the organisation of the need to give the staff member timely feedback on how their concern is being dealt with
- ensure the staff member has access to personal support as it is recognised that raising such a concern may be stressful.

5. How to raise a concern

5.1 In many circumstances, the easiest way a member of staff can get their concern resolved will be to raise it formally or informally with their line manager who should report it to the designated officer.

5.2 If this is not appropriate as the concern relates to the line manager, or if the member of staff does not feel able to raise it with them or if raising it with their line manager does not resolve matters, the member of staff can approach a designated officer directly. The designated officer will then confirm how the matter will be investigated.

5.3 Any member of staff who wants to raise a concern that is potentially of public interest, is encouraged to get legal advice where appropriate such as through their trade union, Community First's Employee Assistant Programme or through the charity Protect (see section 9.'More information and support' below).

5.4 If, for any reason, the member of staff does not feel comfortable raising their concern internally, they can raise concerns externally with 'prescribed bodies' (see section 8 below) if they feel this is necessary and in the public interest.

5.5 Concerns should be raised in writing (including email). The letter should set out the background and history of the concerns, giving names, dates and places where possible, and the reason why the member of staff is making the disclosure. If the individual does not feel able to make the disclosure in writing, an interview will be arranged.

5.6 When any meetings are arranged with an individual who is making or has made a protected disclosure, they have a right to be accompanied by a trade union representative or a colleague of their choice. The meeting can be off site if requested.

5.7 The employee raising concerns does not have to prove the allegation, but they must demonstrate that there are sufficient grounds for concern.

5.8 If the member of staff wants to raise the matter in confidence, they should please say at the outset so that appropriate arrangements can be made.

5.9 Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained throughout the investigation and hearings, other than when a disclosure of identity is needed due to cross examination of the staff member as a witness to any subsequent procedure or is required by law.

5.10 It is best to raise a concern openly, because that makes it easier for Community First to follow it up. Community First will not disclose the whistle blower's identity without their consent unless there are legal reasons that require them to do so. This might be, for example, where their information is about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. If this is the case, Community First may have to tell the police or another official body, or if required to do so by a court. Community First will let the individual know if it has to do this and that this will identify them to another body.

5.11 Staff may, if they wish, disclose information anonymously. However, it should be noted that in such circumstances, Community First will not be able to contact staff to discuss their concern or ask them for further information, nor will they normally be able to give any feedback about any action it takes, although anonymous whistle blowers may seek feedback through a telephone appointment or by using an anonymised email address.

6. How Community First will respond

6.1 Any concern raised under this policy will be investigated thoroughly, promptly, and confidentially.

6.2 Any approach to line managers and designated officers will be treated with the strictest confidence and the member of staff's identity will not be disclosed without their prior consent. All members of staff will be always treated with respect and the person raising the concern will be thanked.

6.3 There may be a meeting with the member of staff raising the concern to ensure Community First understands exactly the particular worry.

6.4 When any meetings are arranged with an employee who has made a protected disclosure, they have a right to be accompanied by a trade union representative. The meeting can be off site if requested.

6.5 When an individual makes a disclosure, the organisation will process any personal data collected as part of the investigation in line with Community First's data protection policy ensuring the data is stored securely and only accessed by those individuals essential for dealing with the disclosure*.*

6.6 Within **five working days** of a concern being raised, the line manager or designated officer who received the disclosure will write to the member of staff setting out the following:

- Acknowledgement that the concern has been received, the date it has been received, whether the person who raised the concern has requested confidentiality, and a summary of the concern
- Indicating how the matter will be dealt with and by whom and how they can be contacted
- Telling the member of staff when an investigation has or is to be started and if further assistance will be needed from them.

6.7 The member of staff who raises the concern will be told how long to expect the investigation to take and will be kept up to date with its progress.

6.8 The matters raised may be investigated internally. Where it has not been possible to resolve the matter quickly (usually within a few days) with the line manager, someone suitably independent (such as a designated officer) and properly trained will carry out an investigation.

6.9 The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring. The investigator may decide that the concern would be better looked at under another process, such as the grievance procedure or dignity at work procedure. If so, this will be discussed with the member of staff.

6.10 If misconduct is discovered as a result of any investigation under this policy, the disciplinary policy and procedure will be invoked in addition to any external measures.

6.11 On conclusion of any investigation, the member of staff will be told the outcome of the investigation and what Community First has done, or proposes to do, about it. Wherever possible, Community First will share the full investigation report with the member of staff who raised the concern (while respecting the confidentiality of others). If no action is to be taken, the reason for this will be explained.

6.12 If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to **Chairman of the Board of Trustees** who will arrange any further investigation as he thinks appropriate. will send a written response to the individual concerned.

6.13 More serious disclosures may be referred to an external prescribed person or body and may form the subject of an independent inquiry.

6.14 In the event of an inquiry, where possible the trade union representatives will be consulted on the drawing up of terms of reference for any inquiry panel, as well as being involved in the implementation of any inquiry recommendations.

7 Harassment and victimisation

7.1 Community First understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice. Community First will not tolerate harassment and victimisation of anyone raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern. Any such behaviour is a serious breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

7.2 Nor will Community First tolerate any attempt to bully anyone into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

7.3 This policy encourages members of staff to put their name to their concerns. Concerns expressed anonymously are harder to follow up and have an effective outcome.

7.4 If a member of staff makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff. They will not be at risk of losing their job or suffering any form of reprisal as a result. Provided the member of staff is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

8. Reporting a concern to an external body

8.1 This policy is intended to provide a route by which members of staff can raise concerns internally. However, if an employee is unhappy with the outcome of an investigation or if, for any reason they do not feel comfortable raising their concern internally, they are free to take the matter outside of the organisation to a prescribed person or body or to their Member of Parliament (MP).

8.2 The full list of prescribed persons and bodies can be found on the UK government website at www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies. They include

- HM Revenue & Customs
- the Comptroller and Auditor General
- the Director of the Serious Fraud Office
- the Charity Commission for England and Wales
- the Information Commissioner
- the Equality and Human Rights Commission
- the Health and Safety Executive
- the Care Quality Commission
- the Environment Agency.

9. More information and support

9.1 Protect is the UK's whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. They provide a legal advice service offering free expert and confidential advice on how best to raise a concern and protection as whistle blower.

https://protect-advice.org.uk

Protect Advice Line: whistle@protect-advice.org.uk

Protect Advice Line: 020 3117 2520 (* option 1)

9.2 UK government advice on 'Whistleblowing for employees'

www.gov.uk/whistleblowing

9.3 Acas guidance on 'Whistle-blowing – Public Interest Disclosure'

https://archive.acas.org.uk/index.aspx?articleid=1919

9.4 Confidential support is available for individual employees from the employee assistance programme and this may include counselling if appropriate, in addition to practical information and advice.