

**WHISTLE-BLOWING POLICY – HUCKLEBERRIES NURTURE FARM CIC**

<b>Member Committee Responsible</b>	Full Members Board
<b>Senior Lead for Whistleblowing:</b>	Emine Rickson
<b>Status and Review Cycle:</b>	Statutory every 2 years
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**Revision History**

Version	Changes	Approval Date	Author
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## 1. Aims of this Policy

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff, practitioners and volunteers (collectively referred to in this Policy as 'staff') at Huckleberries Nurture Farm CIC (the CIC) know how to raise concerns about potential wrongdoing in or by the CIC
- Set clear procedures for how the CIC will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment or practitioner contract and may be amended at any time. The policy applies to all employees, volunteers, practitioners or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legal Framework

Whilst we see having clear whistle-blowing procedures in place as best practice, the requirement to do so is set out in the terms and conditions of one of our main funding bodies. This Policy has been written in line with [government guidance on whistle-blowing](#) and is based on 'the Key' Model Policy, and complies with our funding agreement and articles of association. We also take into account the [Public Interest Disclosure Act 1998](#).

## 3. Definition of whistleblowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest".

Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Children or young people who attend Huckleberries and staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the CIC count as whistle-blowing. For example, personal staff grievances such as bullying, or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment or business contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow the staff grievance or complaints procedures.

Protect has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

## 4. Procedure for staff to raise a whistle-blowing concern

### When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### Who to report to

Staff should report their concern to the Director responsible for whistle-blowing (Emine Rickson) or the Programme Lead (Beverley Cook). If the concern is about the Director or Programme Lead, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern another Director of the CIC. If the concern is about the whole Board of Directors, then the staff member should report their concern to the CIC Regulator.

### How to raise a concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## 5. CIC Procedure for responding to a whistle-blowing concern

### Investigation of the concern

When a concern is received by the responsible Director or Programme Lead - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a professional association representative or other person who may provide support
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:

- The recipient should then arrange a further investigation into the matter, involving other Directors of the CIC or Programme Lead, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
- The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

### Outcome of the investigation

Once the investigation – whether this was the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the CIC Regulator or police.

They will inform the person who raised the concern of the outcome of the investigation, although certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Directors, Programme Lead and other staff if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## 6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the CIC will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7. Escalating concerns beyond the CIC

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to the CIC Regulator. The CIC Regulator will consider taking action where it considers:

- there is evidence of misconduct or mismanagement
- there is a need to protect the assets
- the CIC is not satisfying the community interest test
- the CIC is not pursuing any activities in pursuit of its community interest objects
- the CIC is engaging in political activities and/or political campaigning

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

## 8. Approval

This policy is approved by the Members Board of Directors, who will review the policy at least every two years, and will be responsible for approving any changes after the review.

## 9. Links with other Policies

This Policy links with our policies on:

- Staff Grievance policy
- Complaints Policy
- Safeguarding Policy