

## **WHISTLEBLOWING POLICY**

This document sets out what a whistleblower is and how they can raise any concerns they may have.

The Charity will refer to The Department of Business, Innovation & Skills document 'Guidance for Employers and Code of Practice' for Whistleblowing.

A whistleblower is a person who raises a concern about a wrongdoing in their workplace. If a person wishes to raise their concerns they should obtain a copy of their organisation's whistleblowing policy and seek advice if they wish. Whistleblowing occurs when an employee or worker provides certain types of information, usually to the employer or a regulator, which has come to their attention through work. The whistleblower is usually not directly, personally affected by the danger or illegality, although they may be. Whistleblowing is therefore 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others.

### **What is a Whistleblower?**

You are a whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work. The wrongdoing disclosed must be in the public interest. This means it must affect others, eg the general public. A whistleblower can raise their concern at any time about an incident that happened in the past, is happening now, or they believe will happen in the near future

As a whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. You are protected if you are :

- an employee
- a trainee
- an agency worker
- a member of a Limited Liability Partnership
- A volunteer

A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you are a whistleblower.

### **Complaints that count as whistleblowing:**

Whistleblowers are protected by law if reporting any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg does not have the right insurance
- you believe someone is covering up wrongdoing

### **Complaints that do not count as whistleblowing:**

- Personal grievances (eg bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

## **Who to report Concerns to**

A Whistleblower should report any concerns to the Activity Manager or Chief Executive Officer, or to a member of the Trustee Management Committee. There are other options if they do not want to report their concern to Forest Pulse, eg getting legal advice from a lawyer, or telling a prescribed person or body such as the Care Quality Commission.

The charity must treat all disclosures that are received seriously and consistently and respond as soon as is possible. Support should be provided to the whistleblower during what can be a difficult or anxious time with access to mentoring, advice and counselling. The whistleblower will be assured that their disclosure will not affect their position with the charity. The whistleblower will be allowed to be accompanied by a trade union representative or colleague at any meeting about the disclosure, if they wish to do so. The charity will provide support after a disclosure has been made such as mediation and dispute resolution, to help rebuild trust and relationships in the workplace.

A whistleblower can report their concerns anonymously, but the charity may not be able to take the claim further if they have not been provided all the information needed. A whistleblower can give their name but request confidentiality - the person you tell and the charity as a whole should make every effort to protect the identity of the whistleblower.

If concerns are reported to the media, in most cases whistleblowing law rights will be lost.

## **What happens next**

The Activity Manager/Chief Executive Officer/Trustee will listen to the concern raised and decide if any action is needed. The whistleblower may be asked for further information. The whistleblower must say straight away if they do not want anyone else to know it was them who raised the concern, but they will not have a say in how their concern is dealt with. The charity can keep the whistleblower informed of action taken, but has to keep the confidence of other people so may not be able to share all details.

A whistleblower should report their concern to the Trustee Management Board or a prescribed person or body if they believe their concern has not been taken seriously or the wrongdoing is still going on. They can contact the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity Public Concern at Work or their trade union for more guidance.

The Charity will record the number of whistleblowing disclosures received and their nature. Records must be maintained of the date and content of feedback provided to whistleblowers.

## **If A Whistleblower is treated unfairly after whistleblowing**

A whistleblower can take a case to an employment tribunal if they feel they have been treated unfairly because they have 'blown the whistle'. Further information is available from the Advisory, Conciliation and Arbitration Service (Acas), Citizens' Advice, the whistleblowing charity Public Concern at Work or your trade union. If a concern was reported anonymously, it may be harder to argue that the unfair treatment was as a result of whistleblowing. A whistleblower must raise any claim of unfair dismissal within 3 months of their employment ending. A whistleblower must notify Acas if they want to take their case to an employment tribunal.



Pamela Jones, Chief Executive Officer  
23<sup>rd</sup> June 2023

## Whistleblowing policy

### Appendix 1

#### Code of Practice

#### (Department for Business, Innovation & Skills)

It is important that employers encourage whistleblowing as a way to report wrongdoing and manage risks to the organisation. Employers also need to be well equipped for handling any such concerns raised by workers. It is considered best practice for an employer to:

- Have a whistleblowing policy or appropriate written procedures in place
- Ensure the whistleblowing policy or procedures are easily accessible to all workers
- Raise awareness of the policy or procedures through all available means such as staff engagement, intranet sites, and other marketing communications
- Provide training to all workers on how disclosures should be raised and how they will be acted upon
- Provide training to managers on how to deal with disclosures
- Create an understanding that all staff at all levels of the organisation should demonstrate that they support and encourage whistleblowing
- Confirm that any clauses in settlement agreements do not prevent workers from making disclosures in the public interest
- Ensure the organisation's whistleblowing policy or procedures clearly identify who can be approached by workers that want to raise a disclosure. Organisations should ensure a range of alternative persons who a whistleblower can approach in the event a worker feels unable to approach their manager. If your organisation works with a recognised union, a representative from that union could be an appropriate contact for a worker to approach
- Create an organisational culture where workers feel safe to raise a disclosure in the knowledge that they will not face any detriment from the organisation as a result of speaking up.
- Undertake that any detriment towards an individual who raises a disclosure is not acceptable
- Make a commitment that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally
- Undertake to protect the identity of the worker raising a disclosure, unless required by law to reveal it and to offer support throughout with access to mentoring, advice and counselling
- Provide feedback to the worker who raised the disclosure where possible and appropriate subject to other legal requirements. It is important that employers encourage whistleblowing as a way to report wrongdoing and manage risks to the organisation. Employers also need to be well equipped for handling any such concerns raised by workers.

**Please refer to Department for Business, Innovation & Skills 'Guidance for Employers and Code of Practice' for Whistleblowing for further information.**