Whistleblowing policy

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1 Purpose

1.1 We aim always to conduct our business with the highest standards of integrity and honesty. We expect all our employees and workers to maintain the same standards in everything they do. We therefore encourage anyone to report any perceived wrongdoing by the business or its employees, workers, or contractors that falls short of these business principles.

1.2 The policy aims to assist us in the early detection of any inappropriate behaviour or practices within our business and to provide all employees, including managers, and workers with the relevant information so that they understand the procedure to follow when raising concerns about any malpractice within our business which they believe has occurred, or is likely to occur. The policy complies with the Public Interest Disclosure Act 1998.

1.3 We wish to create an atmosphere of openness in which employees and workers feel confident that they can raise any reasonable concern about our business activities with us in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them for raising the matter.

1.4 Employees and workers are encouraged to use the procedure set out below if they have any concerns at all about wrongdoing at work, including any criminal offence, a failure to comply with legal obligations, a miscarriage of justice, a health and safety danger, an environmental risk, breach of duty to protect vulnerable people in our care, breach of equal opportunity, not acting professionally or honestly in meeting the needs of our clients, or a concealment of any of these.

1.5 This policy is not contractual but sets out the way in which we plan to manage such issues.

2 Scope

2.1 This policy and procedure applies to all employees and workers, including those on fixed-term contracts, any casual workers or agency workers and volunteers. It aims to protect those who make a 'protected disclosure' either during their employment (or duration of the contract/agreement in the case of workers) and also after this has ended, and also enables them to take action in respect of any victimisation.

2.2 For a disclosure to be protected it must reasonably appear to the employee or worker that it is in the 'public interest'. The previous requirement that it should be brought in "good faith" no longer applies (however a disclosure that is not made in good faith may result in a reduction of up to 25% in any compensation subsequently awarded by an employment tribunal).

2.3 Note that the scope of this policy does not cover any potential breaches of an individual's employment contract: these should be raised under our grievance procedure. Nor is this policy intended to be used to question financial or business decisions taken by us, nor as a means of reconsidering any matters that have already been addressed under our bullying and harassment, grievance, disciplinary or other procedures.

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2.4 The policy covers any malpractice within our business and includes:

- a criminal offence
- the breach of a legal obligation or any statutory Code of Practice
- a miscarriage of justice
- a danger to the health and safety of any individual
- an environmental risk
- any attempt to conceal any of the above.

2.5 The list below is not exhaustive but gives examples of the types of concerns that should be raised:

- misuse of assets (including equipment, vehicles, buildings, computer hardware and software)
- failure to comply with appropriate professional standards
- bribery, corruption or fraud, including the receiving or giving of gifts or hospitality in breach of our procedures
- falsifying records
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to Red2Green or would otherwise seriously prejudice it
- abuse of authority
- using the power and authority of our business for any unauthorised or ulterior purpose
- causing damage to the environment
- abuse of Service Users where concealment is suspected.

2.6 Employees are encouraged to 'blow the whistle' on malpractice. By being alerted to any potential malpractice at an early stage we can take the necessary steps to safeguard the interests of all employees and protect our business. The employee or worker does not have to be able to prove the allegations but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

2.7 Where requested, we will respect (so far as we can legally) the confidentiality of any whistleblowing complaint received, but cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower. It must be appreciated that it will be easier to follow up and to verify complaints if the individual is prepared to give their name, and unsupported anonymous complaints and allegations are much less powerful and therefore will be treated with caution.

3 Responsibility

3.1 The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the Chief Executive and Board of Trustees. All managers and supervisors/team leaders have a crucial role to play in encouraging employees and workers under their supervision to report any concerns they may have.

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3.2 Any employee or worker who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within our business is required to report this to their manager, or to use the procedure set out below.

3.3 All employees and workers, irrespective of their job or seniority, are required not to subject any other employee or worker to any detrimental treatment nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, an employee or worker who has victimised a colleague may be personally liable for any victimisation.

4 Procedure

4.1 An employee who is concerned about any form of malpractice should, in the first instance, raise the issue with their manager. This can be done either verbally or in writing.

4.2 The letter may be anonymous, although openness is encouraged so that the appropriate investigations may be carried out.

4.3 If the individual feels they cannot raise the alleged malpractice with their manager, for whatever reason, the issue should be referred to the Chief Executive.

4.4 If a matter has been raised but the individual is still concerned, or if the issue is so serious that the individual feels they cannot discuss it with either their manager or a senior manager, they should contact the Chief Executive Officer or a person of similar seniority.

4.5 Upon receipt of a concern, we will respond in a reasonable and appropriate manner. This may involve, in the first instance, making internal enquiries. It may be necessary to carry out an investigation which may be formal or informal, depending on the nature of the concern raised.

4.6 A confidential meeting may be arranged, and the employee or worker may ask a work colleague to act as a companion.

4.7 Where such investigation involves outside agencies (eg the police) this may cause some delay in the investigation

4.8 As far as possible, the person raising the concern will be kept informed of the outcome of any enquiries and investigations we conduct and what action, if any, has been taken. Individuals will not be informed of any matter which would infringe on the duty of confidentiality to others.

4.9 In most cases, it should not be necessary to contact external agencies to express concerns. However, there may be exceptional or urgent circumstances where it might be appropriate to do so. The following serves only as an example and the list is not exhaustive:

- a breach of a legal obligation, or a regulatory requirement
- a criminal offence
- fraud
- bribery

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- environmental damage
- the concealment of any of the above or any other malpractice.

4.10 If an employee has a complaint about their own personal circumstances, the normal grievance policy should be used.

5 Protection

5.1 We undertake that no employee who makes a *bone fide* report under this procedure will be subjected to any detriment as a result and we will not condone any form of victimisation, bullying or other detrimental treatment of anyone who has raised a concern under this policy.

5.2 If any individual believes that they are being subjected to any detrimental treatment, bullying or harassment by any person within our business (including by their work colleagues and co-workers) as a result of their decision to invoke this procedure, they must inform their manager or a member of the HR team immediately and appropriate action will be taken to protect them from any reprisals.

5.3 Any victimisation, bullying or detrimental treatment will be dealt with under our disciplinary policy.

6 False claims

6.1 If it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another employee, this will constitute misconduct and will be dealt with under our disciplinary policy.

6.2 Under the Public Interest Disclosure Act 1998, disclosures to persons outside our business should only be made if the individual honestly and reasonably believes the allegation to be true. The making of malicious allegations relating to our activities to external persons will constitute gross misconduct and disciplinary action (up to and including dismissal) and/or legal action may be taken against the whistleblower.

7 External advice

7.1 Protect (formerly known as 'Public Concern at Work') is a charity with the objective of promoting compliance with the law and good practice and can advise on the best course of action. It offers free confidential advice to any individual who is unsure whether to raise an issue under this policy, or who needs advice as to how to do it.

7.2 If the matter is serious and our internal procedures have been exhausted, individuals may then contact the appropriate regulating authority relevant to the matter in question e.g:

- the police
- the Health and Safety Executive (HSE)
- Her Majesty's Revenue and Customs (HMRC)

7.3 We also reserve the right to make such a referral without the whistleblower's consent.

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8 Ex-employees and workers

8.1 Any protected disclosures made by ex-employees or workers after the termination of their employment/contract should also be dealt with under this policy. In such cases, we normally ask that the employee/worker sets out the details of their concerns in writing and we will then respond in writing, having undertaken such investigations as we deem to be appropriate.

9 Related policies and documents

- Corporate social responsibility (CSR) policy
- Data protection policy
- Disciplinary policy
- Environmental policy
- Equal opportunity policy
- Grievance policy
- Health and safety policy

The above list is not exhaustive.

10 Further information

Any queries or comments about this policy should be addressed to your line manager in the first instance.

11 Policy owner

The board of Trustees of Red2Green have overall responsibility for this policy and will receive reports from managers and will undertake monitoring activities to check for compliance. Policies will be reviewed as part of a cycle and updated when necessary.

12 Policy review date

Date last reviewed: August 2023

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