



Whistleblowing Procedure

1. Introduction

Fairness, Respect, Equality Shropshire (FRESH) is committed to achieving the highest possible ethical standards in its public life and practice, and in its service delivery, employment and volunteer activities. FRESH has a set of Ground Rules for everyone working with us, which affirm that “equality, diversity and anti-discrimination are our foundations; the core of what we are about, how we should be judged, and a reference point for all our policies and action plans”.

FRESH encourages openness, integrity and freedom of speech, and expects its employees, volunteers and Directors to raise any concerns about contravention of the Ground Rules or about any suspected malpractice, illegal acts or omissions by its employees, volunteers or Directors.

This Whistleblowing Procedure has been prepared to provide guidance on how to raise such concerns internally. It is intended as a final remedy if there appears to be no other way to deal with an issue, and after considering or trying existing procedures.

2. FRESH policies and procedures

FRESH has a range of policies and procedures which deal with standards of behaviour. These cover issues such as discipline, grievances, and harassment. Employees, volunteers and Directors are expected to use these procedures when appropriate to challenge unacceptable behaviour in the course of FRESH’s activities.

3. Whistleblowing

However, some incidents may need to be handled outside our normal policy framework, by ‘whistleblowing’. This is the disclosure (internally or externally) by employees, volunteers or Directors of malpractice, illegal acts or omissions in the course of FRESH’s activities.



4. **Aims of the Procedure**

- To provide an internal way for employees, volunteers and Directors to raise and agree a way to resolve concerns in cases where it is not possible or appropriate to do so in any other way
- To enable the Directors to be informed at an early stage about possible contraventions of legislation, FRESH policies, malpractice, illegal acts or omissions in the course of FRESH's activities
- To reassure employees, volunteers and Directors that they will be protected against unfair treatment for disclosing concerns in good faith
- To support a FRESH culture of openness, accountability and integrity.

5. **Scope of the Procedure**

The Procedure is intended to cover concerns about actual or suspected:

- Behaviour conflicting with the principles set out in the Ground Rules, including:
 - Organisational culture
 - Equality and discrimination
 - Use of language
 - Confidentiality issues
- Non-compliance with legislation
- Financial or other malpractice
- Concealment of malpractice
- Breaches of integrity;
- Dangers to health and safety;
- A criminal offence being committed, or likely to be committed
- Fraud or embezzlement
- Undue favour or corruption over a contract or application for employment

It will not always be clear whether a particular action falls under these principles, and individual judgement will be needed in order to decide. However, FRESH would always prefer that concerns are reported in good faith rather than being suppressed. In the event of any doubt, the issue should be discussed on a 'no name' basis with the Chair or Secretary of the Board of Directors.

6. **Representation**

FRESH recognises that whistleblowers may wish to seek the advice and support of an external representative when using this policy. Where appropriate, this also applies to people subject to allegations of misbehaviour.



Whistleblowers and people subject to allegations of misbehaviour will therefore have the opportunity and be informed of their right at all stages of the Procedure to be represented by a trade union representative, a fellow employee, a co-voluntary worker, a family member, carer or friend, but not by a lawyer.

7. Procedure

Stage 1 – initial discussion

- Employees, volunteers and Directors who have concerns under the provisions of this policy should inform the Chair or Secretary of FRESH, who will arrange an initial discussion.
- The discussion will - if requested - be confidential, and will explore the issue(s) of concern. The officer responsible for facilitating the discussion (the investigating officer) will ask the whistleblower whether they wish their identity to be protected, and will reassure them about protection from possible reprisals or victimisation.
- The investigating officer will ask the whistleblower whether they wish to make a written or oral statement.
- In either case, the investigating officer will write a brief summary of the discussion, which will be agreed by both parties

Stage 2 - investigation

- The investigating officer will carry out an investigation into the allegation(s), normally to be completed within twenty working days of the discussion
- The investigation may need to be carried out under terms of strict confidentiality; not informing the subject of the allegation until or unless it becomes necessary to do so. This may be appropriate for example in cases of alleged fraud, harassment or abuse.
- In cases such as alleged ill treatment or abuse, the alleged perpetrator's suspension from work and/or contact with FRESH may have to be considered immediately.
- The investigating officer will keep the whistleblower informed about the investigation and its outcomes
- If the investigation shows there is a case to be answered, the Disciplinary Procedure will be followed
- Where there is no case to answer but the complainant has a genuine concern and was acting in good faith, the investigating officer will ensure that they suffer no reprisals.



- If a maliciously false allegation is made, it may be appropriate to act against the whistleblower under the Disciplinary Procedure
- The investigating officer's decision will normally be final.

Stage 3 - Inquiry

If the concern is very serious or complex an inquiry may need to be held.

- The inquiry will be carried out by a Panel comprising three members appointed of the Board of Directors, and different from those involved in the process so far
- The Panel will decide the case as impartially as possible. They will study all evidence, which will also be made available at least five working days before the hearing to all the parties to the inquiry and their representatives.
- At the hearing, the Panel will hear evidence from the person making the allegation, from the subject of the allegation, and from any witnesses. The Panel will then decide on whether the allegation should be upheld, and if so what further action should be taken.
- The Panel's decision will normally be final

Stage 4 – After the investigation or inquiry

- The investigating officer or Chair of the Inquiry (whichever applies) will arrange a meeting with the whistleblower to give feedback on the outcome of the investigation. This will not include details of any disciplinary action, which will remain confidential to the individual concerned. This feedback will be provided within five working days of the completion of the investigation or Inquiry.
- Where it has been decided that the subject of the allegation has no case to answer, the investigating officer or Chair of the Inquiry (whichever applies) will arrange a meeting with them to give feedback on the outcome and details of arrangements to ensure that they suffer no reprisals. This feedback will be provided within five working days of the completion of the investigation or Inquiry.

8. Right to appeal

If the whistleblower is not satisfied with the outcome of the investigation, FRESH recognises the lawful rights of complainants to make disclosures to prescribed persons such as the Health and Safety Executive, the Financial Conduct Authority, utility regulators, or, where justified, other bodies.



9. **The Law**

This Procedure has been prepared to take account of the Public Interest Disclosure Act 1998. This legislation protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996.

10. **Review**

- This procedure will be reviewed annually by the Board on or around the anniversary of its adoption.
- Date of next scheduled review: February 2015

