

# International Tree Foundation

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## WHISTLE BLOWING POLICY

Purpose:	To ensure concerns can be raised about wrongdoing or malpractice within ITF without fear of victimisation, subsequent discrimination, disadvantage or dismissal.
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## 1. INTRODUCTION

- 1.1. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the ITF's work to come forward and voice those concerns.
- 1.2. Employees are often the first to realise that there may be something seriously wrong within ITF. 'Whistleblowing' is viewed by ITF as a positive act that can make a valuable contribution to ITF's efficiency and long-term success. It is not disloyal to colleagues or ITF to speak up. ITF is committed to achieving the highest possible standards of service and the highest possible ethical and environmental standards in all of its practices. To help achieve these standards it encourages freedom of speech.
- 1.3. If you are considering raising a concern you should read this Policy first. It explains:
  - the type of issues that can be raised;
  - how the person raising a concern will be protected from victimisation and harassment;
  - how to raise a concern;
  - what ITF will do.

## 2. POLICY STATEMENT

- 2.1. The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within ITF without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns **within** ITF rather than ignoring a problem or 'blowing the whistle' outside.

- 2.2. This Policy aims to:
  - encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
  - provide avenues for you to raise those concerns and receive feedback on any action taken;

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- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

## 3. DEFINITION OF WHISTLE BLOWING

3.1. The official name for Whistleblowing is 'making a disclosure in the public interest'. In this policy 'Whistleblowing' is defined as the reporting by employees or other personnel of suspected malpractice, misconduct or failure to act within ITF.

## 4. SCOPE OF THIS POLICY

4.1. This Policy is intended to enable those who become aware of wrongdoing in ITF affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

4.2. The Whistle Blowing Policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or anti-harassment procedures;
- If a Member, client, contractor, grantee or partner has a concern about services provided to them, it should be raised as a complaint to ITF;

4.3. The Policy applies to all:

- employees of ITF;
- volunteers working with ITF;
- students undertaking work placements with ITF;
- employees of contractors working for ITF, for example DEC staff, consultants and drivers;
- employees of suppliers.

4.4. The type of concerns that can be reported under this Policy include:

- serious concerns about service provision
- the conduct of officers or members of ITF or others acting on behalf of ITF that:
  - make you feel uncomfortable in terms of known standards;
  - are not in keeping with the ITF's constitution and policies;
  - fall below established standards of practice; or

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- are improper behaviour.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct.

This list is not exhaustive.

## 5. PROTECTING THE WHISTLEBLOWER

### 5.1. Your legal rights:

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects employees making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for ITF to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

The Act protects employees in a number of ways, for example:

- if an employee is dismissed because they have made a protected disclosure, that will be treated as unfair dismissal
- they have a right not to be subjected to any 'detriment' by their employers on the ground that they have made a protected disclosure, and to present a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. ITF cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

The Act does not apply to voluntary workers - this includes charity trustees and charity volunteers.

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## 5.2. Harassment or Victimisation

ITF is committed to good practice and high standards and to being supportive of you as an employee.

ITF recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

ITF will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

## 5.3. Support to you

Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- ITF will do all it can to help you throughout the investigation

If appropriate, ITF will consider temporarily re-deploying you for the period of the investigation.

Further support is available from the charity [Public Concern at Work](#) who provide free confidential advice to employees who have concerns about wrongdoing in the workplace. Their contact number is 020 7404 6609.

For those who are not ITF employees, ITF will endeavour to provide appropriate advice and support wherever possible.

## 5.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

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## 5.5. Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

## 5.6. Untrue Allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, ITF will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

## 6. RECORDING AND MONITORING

6.1. The Finance and Facilities Manager will maintain a register containing all concerns that have been reported. All officers allocated to look into a concern must ensure the Finance and Facilities Manager is provided with sufficient details for the corporate register.

6.2. The Finance and Facilities Manager will review the register and produce an annual report for the Chief Executive. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that ITF learns from mistakes and does not repeat them.

6.3. The register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

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## APPENDIX A: PROCEDURES FOR DEALING WITH WHISTLE BLOWING COMPLAINTS

### A1. INTRODUCTION

- 1.1. ITF recognises that individuals may be reluctant to make a complaint because they feel embarrassed, they are worried they will be victimised, or they do not want to get the alleged perpetrator(s) into trouble.
- 1.2. ITF guarantees that all complaints will be taken seriously and will be investigated swiftly, and that all parties involved will be treated with respect. Victimisation as a result of an individual raising a complaint of harassment will not be tolerated and will be treated as harassment and subjected to disciplinary action. Likewise personnel will be protected from victimisation or discrimination for assisting in an investigation.
- 1.3. In situations where someone feels at serious risk of harm from a member of ITF personnel, they should report this to either the Chief Executive or Chair as soon as possible and ITF will aim to process this complaint as a matter of urgency and where necessary involve the Police.

### A2. RAISING A CONCERN

#### 2.1. **Who should you raise your concern with?**

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:

- Your Line Manager
- The Chief Executive

The address for correspondence is: **International Tree Foundation, 1 Kings Meadow, Osney Mead, Oxford, OX2 0DP.**

If, exceptionally, the concern is about the Chief Executive of ITF your concern should be raised with the Chair of the Board of Trustees who will decide how the investigation will proceed.

#### 2.2. **How to raise a concern**

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You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within ITF and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

## A3. WHAT ITF WILL DO

ITF will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for ITF will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
- be referred to the Police

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- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how ITF proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

ITF will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, ITF will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

## A4. HOW THE MATTER CAN BE TAKEN FURTHER

### 4.1. Reporting an unresolved concern to the Charity Commission

This Policy is intended to provide you with an avenue within ITF to raise concerns. ITF hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside ITF, then the appropriate body to report the matter to is the Charity Commission of England and Wales.

ITF is a registered charity in England and ITF's employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission.

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The commission asks that whistleblowing reports are made in writing via the dedicated [whistleblowing email address](#).

These employees have some protection in law under the Public Interest Disclosure Act (the Act) from detrimental treatment or victimisation from their employer if, in the public interest, they report concerns about serious wrongdoing at their charity to the commission, provided that the concerns they report meet the conditions in the Act for a 'protected disclosure'.

For a disclosure to the commission regarding a charity to be protected by the Act's provisions:

- it must relate to at least one of the following matters that 'qualify' for protection:
  - a criminal offence
  - the breach of a legal obligation
  - a miscarriage of justice
  - a danger to the health and safety of any individual
  - damage to the environment
  - deliberate concealment of information tending to show any of the above five matters
- the employee must:
  - reasonably believe that the relevant failure relates to 'the proper administration of charities and funds given, or held, for charitable purposes'
  - reasonably believe that the information disclosed and any allegation contained in it are substantially true

It should be noted that where an employee is victimised for making a disclosure to the commission, any claim they may have under the Act is against his or her employer and not against the commission.

## 4.2. How the commission deals with disclosures from whistleblowers

The commission considers whistleblowing disclosures in the same way that it considers complaints about charities from other sources.

The commission's guidance [Complaints about charities](#) explains in general terms what happens when a concern is raised with the commission and gives examples of the powers it has to investigate these concerns and to put matters right. The action the commission will

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take as a result of the concerns brought to its attention will of course depend on the nature of these concerns.

The commission will respect confidences so far as it is able, with due regard to the individual's rights to privacy under data protection and human rights legislation. However, a person who is subject to any enquiries made by the commission is entitled to know the nature of the allegations being made. Any person criticised by the commission as a result of any enquiry has a right to be told the nature of the evidence upon which the criticism has been based.

While the commission will take every step to try to ensure that a complainant's identity is not revealed without their consent, in some cases the nature of the allegations or evidence may give an indication as to their source. Also, in limited cases there may be an obligation to reveal information under freedom of information legislation or by order of the court in legal proceedings.

Information obtained in the course of an inquiry made under s46 of the Charities Act 2011 may, in the public interest be published in an inquiry report.