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WHISTLEBLOWING POLICY AND PROCEDURE

Purpose

This policy applies to all staff, volunteers and freelancers, paid and unpaid, working with Portsmouth Forest Schools CIC including the Board of Directors.

Training is provided on whistleblowing as part of the safeguarding and child protection training provided by Portsmouth Forest School CIC on induction.

We have adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, a failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

Members of staff must acknowledge their individual responsibilities to bring matters of concern, including low-level concerns, to the attention of senior management and/or relevant agencies. Although this can be difficult, this is particularly important where the welfare of children may be at risk.

Don't think what if I'm wrong - think what if I'm right!

ABOUT THIS POLICY

We are committed to conducting our business with honesty and integrity and we expect all staff and volunteers to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

AIMS

Portsmouth Forest School CIC policy on whistleblowing is intended to demonstrate that it will:

• not tolerate malpractice;

• encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate;

• encourage a culture of safety and of raising concerns;

• encourage a culture of valuing staff and of reflective practice;

• respect the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;

• provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;

• only invoke our disciplinary procedure in the case of false, malicious, vexatious, or frivolous allegations. The policy seeks to reassure staff that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken; and

• provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

SCOPE OF THIS POLICY AND PROCEDURE

This procedure is separate from Portsmouth Forest School CIC adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise concerns relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the Grievance Procedure Policy should be used, as appropriate.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within our organisation.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of conduct, criminal activities, or failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment (negligence).

A whistle-blower is a person who raises a genuine concern relating to suspected malpractice within our organisation. If you have any genuine concerns related to suspected malpractice affecting any of Portsmouth Forest School CIC activities (a whistleblowing concern) you should report it under this procedure.

If staff and volunteers feel unable to raise an issue with their managers or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

• Protect, an independent whistleblowing charity, previously known as Public Concern at Work

(helpline: 020 3117 2502, email: whistle@protect-advice.org.uk, website: www.pcaw.co.uk).

• The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk).

CONFIDENTIALITY

We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.

If there is evidence of criminal activity, then the Police will in all cases be informed.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistle-blowers who are concerned about possible reprisals if their identity is revealed should discuss this with one of the Directors and appropriate

measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out above.

RAISING A WHISTLEBLOWING CONCERN

We hope that in many cases you will be able to raise any concerns with a member of the Senior Management Team, the CEO, Sharon Emery or Alison Emery. You may tell them in person or put the matter in writing if you prefer. They may be able to agree on a way of resolving your concern quickly and effectively. However, where the matter is more serious, or you feel that your concern has not been addressed, or you prefer not to raise it with them for any reason, you are at liberty to raise a whistleblowing concern to the Chair of The Board of Directors email chair@portsmouthforestschoolcic.co.uk

A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this procedure. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. You will be kept informed of the progress of the investigation and its likely timescale.

Whenever possible and subject to third party rights, you will be informed of the resolution. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If you are not satisfied that your concern is being properly dealt with, you will have a right to raise it in confidence with the Board of Directors. Alternatively**,** you can follow the external procedures below.

EXTERNAL PROCEDURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within Portsmouth Forest School CIC. In most cases you should not find it necessary to alert anyone externally.

However, where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (LADO) where the disclosure relates to a child protection issue.

It will very rarely, if ever, be appropriate for you to alert the media, as this could compromise any investigations that need to take place and you could lose your whistleblowing law rights

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:-

• that exceptionally serious circumstances justify it;

• that the organisation would conceal or destroy the relevant evidence;

• they would be victimised by the organisation; or

• where the Secretary of State has ordered it.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect (see above), operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

MALICIOUS ACCUSATIONS

False, malicious, vexatious, or frivolous accusations will be dealt with under Portsmouth Forest School's Disciplinary Procedure.

PROTECTION FROM REPRISAL OR VICTIMISATION

It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff and volunteers who raise genuine concerns under this policy, even if they turn out to be mistaken.

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the Whistleblowing procedures. If you believe that you have suffered any such treatment, you should inform the CEOs, Sharon or Alison Emery, immediately. If the matter is not remedied, you may raise it formally using our Grievance Procedure.

You must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct, you may be subject to disciplinary action.

This Whistleblowing Policy should be read in conjunction with the following:

Safeguarding and Child Protection Policy

Health and Safety Policy

Code of Conduct for Staff

Disciplinary, Grievance & Capability Policy and Procedure