

# Be-Empowered

# Farming Futures

## Whistle-Blowing Policy

The whistle blowing procedure aims to help and protect both staff and vulnerable adults. By following the procedure you are acting to:

- Prevent a problem getting worse.
- Safeguard vulnerable adults
- Reduce the potential risks to others.

The earlier you raise a concern, the easier and sooner it is possible for the setting to take action. At Be-Empowered Farm Futures we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every person as their paramount objective.

We recognise that there may be occasions where this may not happen and we have in place a procedure for staff to disclose any information that suggests a vulnerable persons welfare and safety may be at risk.

We expect all team members to talk through any concerns they may have with \*\*\*\*\* at the earliest opportunity to enable any problems to be resolved as soon as they arise.

### **Legal framework**

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. On 25 June 2013, there were some legal changes to what constitutes a qualifying disclosure.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation or
- Concealment of any of the above
- Any other unethical conduct
- Is being, has been, or is likely to be, committed.

Qualifying disclosures made before 25 June 2013 must have been made 'in good faith' but when disclosed, did not necessarily have to have been made 'in the public interest.'

Disclosures made after 25 June 2013 do not have to be made 'in good faith'; however they must be made in the public interest. This is essential when assessing a disclosure made by an individual.

The Public Interest Disclosure Act has the following rules for making a protected disclosure:

- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

### **Disclosure of information**

If, in the course of your work, you become aware of information which you reasonably believe indicates that a vulnerable adult is/may be or is likely to be in risk of danger and/or one or more of the following may be happening, you MUST use Be-Empowered Farm Futures disclosure procedure set out below:

- That a criminal offence has been committed or is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, Equalities Act 2010)
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be endangered
- That the environment, has been, is being, or is likely to be damaged
- That information tending to show any of the above, has been, is being, or is likely to be deliberately concealed.

### **Disclosure procedure**

- If this information relates to safeguarding then the charities safeguarding policy should be followed, with particular reference to the staff and volunteering section
- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to \*\*\*\*\* so that any appropriate action can be taken•
- Concerns may be raised verbally or in writing. Staff who wish to make a written report are advised to set out the history and background of the concern, giving names, dates and places where possible, and the reasons for making the disclosure. This will make the investigation easier to complete.
- Employees (paid or unpaid) will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to \*\*\*\*\*
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action and may be asked to leave Be-Empowered Farm Futures
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action
- Any member of Be-Empowered Farm Futures who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal
- We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO), the local authority social care team, the Local Safeguarding Team and Ofsted - so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.