

**Whistle-blower Policy**

# Scope

This policy applies to all Higher farm education employees, former employees, agency staff and contractors engaged by Higher farm education.

# Introduction

Higher farm education is committed to delivering high quality services to its customers and to that end expects high standards from its employees and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold:

* To encourage you to raise concerns about malpractice within the organisation without fear of reprisal;
* To reassure you that your concerns will be taken seriously;
* To provide information about how to raise your concerns and explain how Higher farm education will respond

This policy should be read in conjunction with Higher farm education’s Grievance Procedure.

# Definition

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others, eg. clients, members of the public or Higher farm education itself. As the person blowing the whistle you would not usually be directly affected by the danger or illegality. Consequently you would rarely have a personal interest in the outcome of any investigation into your concerns.

This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself.

The types of activity that should be disclosed include but are not limited to the following:

* Fraud or corruption
* Financial maladministration
* Unauthorised use of public funds
* The physical, emotional or sexual abuse of clients
* Failure to comply with legal obligations
* Endangering of an individual’s health and safety
* Damage to the environment
* A criminal offence
* Failure to follow financial and contract procedure rules
* Showing undue favour to a contractor or a job applicant
* Miscarriages of justice
* Deliberate concealment of information relating to any of the above

# Blowing the Whistle on Malpractice

You should raise your concerns with your manager as soon as you suspect malpractice. Remember that the earlier you raise concerns the easier it will be to take action. You (the whistleblower) are a witness to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns.

When reporting a concern you should provide as much information and detail as possible. In particular you should provide the full names of the people involved or who know about what is happening, including dates of events and any relevant documentation. This will help the investigator to focus their investigation on the main issues quickly.

There will be some cases where it is not appropriate for you to raise concerns with your manager, for example where you suspect your manager already knows about the malpractice and appears to be ‘turning a blind eye’, or where you suspect your manager may be involved. In those cases, you should seek external advice from organizations such as Citizen Advice Bureau.

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. You will be advised whether an investigation takes place or not. When making a decision Higher farm education will consider whether continuing with an investigation is in the public interest.

# Advice and Support

Higher farm education recognises that employees may wish to seek advice and support before blowing the whistle. When any meeting or interview is arranged, you may wish to be accompanied by a trade union or professional association representative. Employees may also wish to seek advice from ‘Public Concern at Work (PCAW)’, an organisation which is entirely separate from Higher farm education. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 020 7404 6609 or via e-mail on helpline@pcaw.co.uk.

# Confidentiality

Higher farm education understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, Higher farm education recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

# Anonymous Allegations

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. The decision whether to investigate an anonymous allegation will be made by the Team Manager. When making this decision they will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

# Protection for the Whistleblower

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to an external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action that has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. Higher farm education will support you in this process and ensure that you are clear about what will happen.

Higher farm education will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

# Allegations not made in Good Faith

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of sub-contracted services, the matter will be reported to Higher farm education Team Manager so that a decision can be made about the appropriate action to take.

# Blowing the Whistle Outside Higher farm education

In certain circumstances it may be appropriate to raise concerns outside Higher farm education to the appropriate ‘prescribed regulator’. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i,e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, or PCAW before reporting them outside Higher farm education.

Examples of prescribed regulators are set out below:

* The Standards Board for England
* The Care Quality Commission
* Information Commissioner
* Environment Agency
* Health and Safety Executive
* Commissioner of the Inland Revenue
* General Social Care Council
* National Care Standards Commission

As a last resort you may choose to raise your concern outside Higher farm education to someone other than a prescribed regulator, eg. to the police. You should only do this if, in addition to the conditions above, they meet one of three preconditions.

Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

* Reasonably believed that you would be victimised if you raised the matter internally within Higher farm education; or
* Reasonably believed that the matter would be ‘covered up’ and there is no prescribed regulator; or
* You have already raised the matter internally or with a prescribed regulator.

# Complaints, Grievances and Members

This policy should not be confused with other policies that exist for dealing with complaints or grievances. For example, complaints about the quality of service delivery should be addressed through Higher farm education’s complaints procedure. Employees who are aggrieved about their own employment situation should consider whether to use the grievance procedure.

# Procedure to be followed by Manager receiving the concern

The Team Manager will make an initial record which should include:

* Basic background information: date, service, worker name, job title
* The risk(s) involved and whether they are ongoing;
* A summary of the concern and its background
* The initial response proposed (including whether it is to be referred on or up) and any action taken;
* Whether confidentiality was requested/explained/promised;
* Whether the concern was raised with line management;
* Whether feedback was given and any response from the employee; and
* Any general observations

The Team Manager will decide whether to begin an investigation into the concerns or that the concern warrants a third party.

An initial assessment will be made by the Team Manager, which will include an interview with the staff member, so that the possible courses of action may be considered and decided upon. If the member of staff wishes to be accompanied by their trade union representative at this meeting, then reasonable notice will be given to enable them to attend. Resulting courses of action may involve setting up an internal inquiry or a formal investigation.

The member of staff will be told who is handling the matter and how they can make contact, if this is required. The member of staff will also be told what further assistance is likely to be required. A written summary of the proposed action will be provided to the staff member raising the concern.

When a staff member raises a concern they may be asked how they think the matter might best be resolved. If the staff member has any personal interest in the matter, then this should be made clear at the outset. If the member of staff's concerns fall more properly within another procedure then the manager dealing with the matter should tell the staff member. The aim will always be for staff concerns to be dealt with and resolved wherever possible and appropriate.

A member of staff who raises an issue should be given as much information as possible during the process of investigation, although precise information may not be possible where this would infringe a duty of confidence owed by Higher farm education to someone else. Under normal circumstances Higher farm education would expect that members of staff would receive some feedback within three weeks of the concern being raised. Where it is not possible to give feedback within this timescale some indication should be given of the likely amount of time it will take, regular contact will also be maintained to update the individual as appropriate.

If the staff member is concerned that the investigation is taking too long at any level, then they can take the matter to the next stage. In particular, if the individual believes that a delay could result in serious harm to a service user, then they should feel able to contact the Team Manager at the earliest opportunity to make them aware of their concerns.

Usually investigations should be completed within 8 weeks; the manager should keep the individual informed if the period needs be increased for any reason.

If the member of staff feels that the matter is so serious that it cannot be discussed with the Team Manager they may raise the issue with an external organisation such as Public Concern at Work.