



Nadder Community Land Trust Ltd.

Whistleblowing Policy

EDITION 1

1st December 2021

Whistleblowing Policy

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1 Introduction

- 1.1 Nadder Community Land Trust (“NCLT”) is committed to maintaining high standards of conduct in all its work and in all its contacts with the local community and its stakeholders.
- 1.2 It is important that any fraud, misconduct or wrongdoing by those acting on behalf of NCLT is reported and properly dealt with.

2 Policy

- 2.1 This policy applies to all those who come into contact with NCLT’s work, including all employees, officers, consultants, contractors, trainees, homeworkers, casual and agency staff and volunteers.
- 2.2 NCLT is committed to being open, honest and accountable. It encourages a free and open culture in its work, whether performed by its Trustees, those working with the charity, its volunteers, contractors and its employees.
- 2.3 It is therefore essential that anyone raises any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy sets out the way in which individuals may raise concerns and how those concerns will be dealt with.

3 Qualifying Disclosures

- 3.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called ‘Qualifying Disclosures’. For the purposes of this Policy a Qualifying Disclosure is one made by anyone who has a reasonable belief that:
 - a) a criminal offence;
 - b) a miscarriage of justice;
 - c) an act creating risk to health and safety;
 - d) an act causing damage to the environment;
 - e) a breach of any other legal obligation;
 - f) or concealment of any of the above;is being, has been, or is likely to be, committed in connection with NCLT’s work.
- 3.2 It is not necessary to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient.
- 3.3 A person making a Qualifying Disclosure has no responsibility for investigating the matter – it is NCLT’s responsibility to ensure that an investigation takes place.
- 3.4 No one making a Qualifying Disclosure may be dismissed, subjected to any other detriment, or victimised, because of the disclosure.

4 Principles

- 4.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing and should be watchful for illegal or unethical conduct, reporting anything of that nature that they become aware of.
- 4.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- 4.3 No one may be victimised for raising a matter under this procedure. This means that continued employment, opportunities for volunteering or for future promotion or training.
- 4.4 The following are regarded as instances of serious misconduct and (where they involve an NCLT employee or volunteer) will be dealt with in accordance with NCLT's Disciplinary Procedure:
 - a) victimisation of someone for raising a Qualified Disclosure;
 - b) misconduct discovered as a result of any investigation made under this Policy;
 - c) maliciously making a false allegation;
 - d) asking someone to cover up wrongdoing or suppress a Qualifying Disclosure.
- 4.5 Anyone who is told or advised not to raise or pursue any concern or not to make a Qualifying Disclosure should not remain silent and should act in accordance with this Policy.

5 Whistleblowing Procedure

- 5.1 Qualifying Disclosures should be raised in accordance with this Policy.
- 5.2 For ease of reference a person making a Qualified Disclosure is referred to throughout the remainder of this document as a "Whistleblower".

Stage 1

- 5.3 A Qualifying Disclosure should be made in writing to the Secretary at Info@NadderCommunityLandTrust.Org
- 5.4 The Secretary will ensure that a copy of the Disclosure is circulated to all Board members.
- 5.5 On receipt of a Qualifying Disclosure, the Board will appoint someone with appropriate experience and no prior involvement in its subject matter, who will:
 - a) conduct a fair and impartial investigation in accordance with this Policy;
 - b) arrange one or more fact-finding meetings with the Whistleblower (and a colleague nominated by the Whistleblower if reasonably requested) the first usually within one week from receipt of the disclosure; and
 - c) if necessary, arrange further meetings with potential witnesses.
- 5.6 During the investigation, the Whistleblower and potential witnesses may be asked:
 - a) to make written statements; and

- b) to comment on any additional evidence obtained.
- 5.7 Throughout the investigation the requirement for confidentiality will be emphasised to all those involved and at all times the identity of the Whistleblower will only be disclosed to potential witnesses with the Whistleblower's written consent.
- 5.8 At the end of the investigation, the investigator will submit a report to the Board, who will have responsibility for ensuring that appropriate action is taken, including:
- a) reporting of the matter to the police, local authority or relevant regulatory agency; and
 - b) where there is evidence of misconduct by an NCLT employee or volunteer, taking any disciplinary measures which are judged appropriate in accordance with the Disciplinary Procedure.
- 5.9 The Secretary, on behalf of the Board will communicate to the Whistleblower in writing:
- a) the investigator's principal findings;
 - b) the Board's conclusions; and
 - c) the actions agreed by the Board, or if no action is to be taken the reasons.

Stage 2

- 5.10 A Whistleblower who feels that an investigation under Stage 1 above has not been performed satisfactorily, or that the action determined by the Board is inappropriate should express any concerns in writing to the Secretary at Info@NadderCommunityLandTrust.Org. The Secretary will ensure that a copy of any such communication is circulated to all Board members.
- 5.11 The Board will commission a review of the previous investigation by someone:
- a) with appropriate experience and no prior involvement in its subject matter;
 - b) who did not have any part in the previous investigation.
- 5.12 In making an appointment under paragraph 5.11 above the Board will make all reasonable efforts to consult the Whistleblower and ensure that the appointment has the Whistleblower's agreement.
- 5.13 The review will otherwise take the same form as set out for a Stage 1 investigation above.
- 5.14 At the end of the review, the reviewer will submit a report to the Board, who will have responsibility for ensuring that appropriate action is taken.
- 5.15 The Secretary, on behalf of the Board will communicate to the Whistleblower in writing:
- a) the reviewer's principal findings;
 - b) the Board's conclusions; and
 - c) the actions agreed by the Board, or if no action is to be taken the reasons.

Stage 3

- 5.16 If on conclusion of Stages 1 and 2 set out above, a Whistleblower reasonably believes appropriate action has not been taken, they should report the matter to the relevant statutory body. This may include:
- a) HM Revenue & Customs
 - b) The Health and Safety Executive
 - c) The Environment Agency
 - d) The Serious Fraud Office
 - e) The Charity Commission
 - f) The Pensions Regulator
 - g) The Information Commissioner
 - h) The Financial Conduct Authority
 - i) The Competition and Markets Authority
 - j) The Independent Office for Police Conduct
- 5.17 A further list of relevant bodies can be found in the Public Interest Disclosure (Prescribed Persons) Order 2014.

6 Confidentiality

- 6.1 Confidentiality is vital the effective handling of a Qualifying Disclosure and everyone involved in the operation of this Policy is responsible for observing the high level of confidentiality that is required. In particular:
- a) details of any investigations and the name of any Whistleblower must only be disclosed where genuinely necessary to pursue the investigation and for no other purpose;
 - b) any personal data collected in connection with the Qualifying Disclosure or an investigation will be held in accordance with NCLT's Privacy Notice. NCLT will take all reasonable steps to ensure that such data will be held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.
- 6.2 A breach of confidentiality will be treated as a case of gross misconduct which, in the case of NCLT volunteers and employees, will be dealt with under the terms of the Disciplinary Procedure.

7 Review

- 7.1 This policy is effective from 1st December, 2021 and will be reviewed every three years.