

Whistleblowing Policy for Sustain: The alliance for better food and farming

The Sustain alliance is a charity registered in England and Wales (no. 1018643) and company limited by guarantee (no. 02673194).

This policy applies to members of Sustain’s Council of Trustees and all staff, contractors and volunteers, and to our dealings internally between colleagues as well as externally with beneficiaries, members, supporters, partners, clients and others, as well as the general public.

Why Sustain has this policy

Sustain is an organisation that advocates food, farming and fishing policies and practices that enhance the health and welfare of people and animals, improve the working and living environment, enrich society and culture and promote equity.

Sustain promotes a healthy, fair and sustainable food system – through a range of action on personal behaviours and the policy framework. We work with our members to promote progressive legislation, institutional responsibilities in the public and private sectors, as well as sensible approaches to monitoring, compliance and accountability, to help achieve shared goals.

Fair and ethical behaviour is therefore central to Sustain’s values, what we stand for and the world we want to live in. We have developed this policy on whistleblowing (making a disclosure in the public interest) as one of the steps to ensure that our trustees, staff, contractors, volunteers and everyone Sustain works with can enjoy the highest levels of respect, safety and fair treatment.

What is whistleblowing?

Whistleblowing means making a disclosure in the public interest. This policy sets out how trustees, staff, contractors, volunteers and associates can disclose information, where that individual believes the information shows serious malpractice or impropriety. This covers specific concerns which are in the public interest, may require investigation, and might then lead to the application of other procedures, for example a formal complaint, disciplinary procedure or a report to the authorities. Concerns covered relate to serious malpractice or wrongdoing, and could include:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation
- Dangers to health and safety, and safeguarding of children and vulnerable adults
- Damage to the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

The UK Public Interest Disclosure Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

This policy is intended to help individuals who believe they have discovered serious malpractice or impropriety associated with Sustain. It is not designed to question everyday financial or organisational decisions by Sustain, nor should it be used to consider or reconsider any matters better addressed under safeguarding, harassment, complaint, disciplinary or other procedures, published on Sustain's intranet or at: www.sustainweb.org/about/sustains_sustainability_policies/

Safeguarding principles – protection, confidentiality, anonymity and veracity

Protection: This policy is designed to offer protection to trustees, staff, contractors, volunteers and associates who disclose such concerns provided the disclosure is made:

- In good faith and without malice.
- In the reasonable belief of the complainant that it tends to show serious malpractice or impropriety, and if they make the disclosure to an appropriate person.
- With the understanding that if legal, disciplinary or other enforcement action is required, the individual making the disclosure may be asked, or required, to give evidence.

Confidentiality: Sustain will treat all such disclosures in as confidential and sensitive manner as possible. The identity of the individual making the allegation may be kept confidential within senior members of Sustain's team (management and trustees) so long as it does not hinder or frustrate any investigation. The investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the investigation.

Anonymity: This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously may be less credible, but they will be considered at the discretion of Sustain. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern and any corroborating indications or evidence
- The likelihood of confirming the allegation from attributable sources

Incorrect allegations: If an individual makes an allegation in good faith, without malice, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, Sustain may need to take remedial action. In the case of employees, this may be disciplinary action; in other cases, Sustain reserves the right to make a public statement about the case, or statement to relevant authorities ("prescribed bodies"), for the purpose of fulfilling a legal duty, clarification, upholding values, and limiting damage to reputation. Examples of prescribed bodies include the Charity Commission, Fundraising Regulator, Health & Safety Executive or Information Commissioner's Office. A full list of such "prescribed bodies" is at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Embedding this policy in Sustain's work

It is the responsibility of Sustain's senior management team to ensure that:

- Sustain trustees, staff, volunteers and associates are aware of this policy, for example as part of induction and ongoing internal communications;
- Complaints are handled carefully, responsibly in line with the policy, and ensuring the adequate protection of any complainant and anyone accused of misconduct;
- Cases of serious malpractice or wrongdoing under the law, or other relevant statutory guidance, are adequately reported to appropriate authorities;
- Sustain's Safeguarding Policy protecting children and vulnerable adults takes precedence for immediate safeguarding action, before further investigation commences.

Procedure for making and responding to a disclosure

There are three people to which a complaint can be submitted, in this order of preference:

1. To the Chief Executive, see: www.sustainweb.org/about/sustain_staff_profiles/
2. To another member of the Sustain senior management team, Deputy Chief Executive or Programme Manager, see: www.sustainweb.org/about/sustain_staff_profiles/
3. If neither of the above is appropriate (e.g. if the complaint is against the Chief Executive or a member of the senior management team), a complaint can be submitted to the Chair or Vice-Chair of Sustain's Council of Trustees: www.sustainweb.org/about/council_members/

If the disclosure may relate to collective serious malpractice or criminal wrongdoing, or alleged collusion between senior representatives of Sustain in pursuit of such malpractice or criminal wrongdoing, the disclosure may be made to the police and/or the appropriate regulatory body.

The initial disclosure can be made in person or in writing. Sustain's Council of Trustees reserves the right to refer the complaint back to the senior management team, if they feel this is appropriate and that the management team can deal with it without conflict of interest.

a) Designated investigating officer

Complaints of serious malpractice or wrongdoing will be investigated by Sustain's Chief Executive (the "designated investigating officer"), reporting to Sustain's Council of Trustees.

If the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive, the complaint should be passed to the Chair or Vice Chair of Sustain's Council of Trustees, who will designate another senior member of staff to be the investigating officer, who will follow the procedure and principles set out in this policy. In this circumstance, the individual appointed will have the power, with the agreement of Trustees, to suspend the Chief Executive pending further investigation and resolution of the case, or to set the terms on which the Chief Executive continues with duties during this period, in agreement with the Council of Trustees.

b) Dealing with allegations of criminal activity

If there is the possibility of criminal activity, the investigating officer should inform the police. Certain categories of wrongdoing may also require Sustain to notify a prescribed body (see above).

c) Usual course of action

Anyone at Sustain identifying serious malpractice or wrongdoing, or being notified of such a circumstance by a colleague, whether working with Sustain directly or by association, should listen and respond non-judgmentally, in the spirit of Sustain's culture of collegiate support and respect. The Sustain staff member or Trustee hearing the initial complaint should make a written note of what they have heard and tell the complainant that they will need to do so. They should encourage the complainant either to make the complaint directly to Sustain's Chief Executive, or understand that the complaint will be passed on – either naming the complainant, or made anonymously. The complainant, Sustain staff member or Trustee may be asked to comment on remedial action or Sustain's response to any complaint, and to give evidence or a statement.

The designated investigating officer (Chief Executive or other as appointed) should follow these steps, with due regard for the principles of protection, confidentiality, anonymity and veracity:

- Take down in writing full details and clarifications of the complaint and store this in a secure place, with restricted access.
- If the complaint relates to safeguarding of children or vulnerable adults, or suggests any risk to health or safety, take immediate safeguarding or other remedial action in line with Sustain's Safeguarding Policy, Health & Safety Policy, or any other urgent consideration. The investigating officer is empowered to make decisions in the best interests of people, animals and the environment based on best judgement, aiming to prevent and limit harm.
- Inform the individual or group against whom the complaint is made as soon as is practicable. The individual or group will be informed of their right to be accompanied by a trade union or work colleague at any future interview or hearing. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual's legal representative.
- Depending on the nature of the accusation, the designated investigating officer is empowered to take immediate precautionary measures, such as (but not limited to):
 - implement a relevant policy (e.g. Safeguarding Policy);
 - notify Sustain's Chair and/or Council of Trustees;
 - notify an appropriate authority that a complaint has been made and an investigation instigated;
 - notify individuals that they – or activities they are responsible for – are under investigation;
 - suspend a member of staff or volunteer from duties relating to the accusation, or from the workplace in the case of an allegation of serious misconduct that may warrant such action;
 - appoint others to take over work temporarily, and require them to maintain discretion and confidentiality;
 - suspend a contract or activity associated with the accusation.
- Inform Sustain Trustees that a complaint has been made and the preliminary actions taken.
- Consider the need for involvement in the investigation of Sustain Trustees, the police, Sustain's auditor (e.g. where this relates to financial misconduct) or a regulatory body.

- Launch an investigation, with assistance of other individuals/bodies as appropriate, who must all agree to abide by principles of protection, confidentiality, anonymity and veracity.
- Document the evidence found, in a way that enables future scrutiny, and draft a written opinion on the validity of the complaint. The investigating officer will then use this opinion and the evidence to create a written report of the findings of the investigations and recommendations for action. The report will be passed to the Chief Executive, Chair of the Council of Trustees and/or other police and/or regulatory body as appropriate. They will decide an appropriate course of action.
- The designated investigating officer will be mindful of wider responsibilities and ensure that the relevant authority is informed at an appropriate stage, if necessary. They may seek guidance on this from NCVO (Sustain is a member, reference: 21328) or from the authority in question. Sustain will help any such prescribed bodies with their investigations, and will ensure that any internal investigation does not hinder any police or statutory investigation.

If the complaint is shown to be justified, then the Chief Executive (or other designated senior member of staff) will implement the agreed course of action, in agreement with the Chair of the Council of Trustees, and with advice from other Trustees and members of the senior management team. The Chief Executive may then implement Sustain’s disciplinary procedure or other appropriate procedures to ensure that the serious malpractice or wrongdoing does not reoccur, and that Sustain’s procedures are updated to taken into account the lessons learned.

Throughout, the complainant should be kept informed of the progress of the investigations and of the outcome. All responses to the complainant should be in writing and marked “confidential”. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with a more senior representative of Sustain, such as the Chair of the Council of Trustees, or with a relevant prescribed body, referenced above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Sustain recognises the lawful rights of employees and ex-employees to make disclosures to a prescribed person or body, as listed at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Policy approved by Sustain’s Council of Trustees, May 2018

Availability: Referenced in induction materials for staff and trustees; published on the Sustain intranet; published on the Sustain website.

This policy is drawn from guidance published by the UK Government, published at:

- Whistleblowing for employees: <https://www.gov.uk/whistleblowing>
- Whistleblowing for employers: <https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

This policy also draws from advice from Human Resource Solutions: http://www.human-resource-solutions.co.uk/HR-Policy-Pages/Whistleblowing/Document_Management_Whistleblowing.html