Approved by the Board:	Sept 2024
Due for Review:	Sept 2026

Whistleblowing Policy

1. Introduction

The LI is committed to the highest standards of openness, probity and accountability and to conducting all our activity with honesty and integrity. We expect all our staff and volunteers to maintain high standards in accordance with our employment and governance policies as well as the professional Code of Practice.

However, as with all organisations there is the potential risk of things going wrong, or of illegal and unethical conduct happening without our knowledge. A culture of openness and accountability is essential to prevent such situations arising and ensuring they are addressed if the worst does happen.

2. Purpose

This Whistleblowing Policy, and associated procedure outlined within it, is in place to support and offer guidance for staff, volunteers and members to be able to safely raise concerns regarding:

- Any fraud, misconduct or wrongdoing by any person or organisation working for / on behalf of the Institute.
- The way the organisation is being governed and / or managed.

More details in Section 3 below.

In doing so the individual raising the concerns can be confident that:

- Concerns will be taken seriously and investigated as appropriate.
- Anyone raising genuine concerns can do so without fear of reprisals.
- Their identity will be kept confidential within the confines of any investigation.

2.1 Who this policy applies to

This policy applies to anyone working for or on behalf of the LI - employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.

This policy does not form part of any employee's contract of employment and the Board may amend it at any time.

3. What is whistleblowing

Whistleblowing is the disclosure of information that relates to suspected wrongdoing, dangers at work or dangers associated with any LI activities that are:

- Unlawful – where the law is being broken or a criminal act is committed/or suspected.
- Not in the public interest – where the activity is detrimentally affecting others now or in the future.
- In breach of any legal obligation –and/or statutory procedures and policies.
- Improper – where there is improper conduct or someone covering up wrong doing.

3.1 What activities would warrant making a whistleblowing disclosure

Concerns about the LI and anyone referred to in Section 2.1, can be raised at any time whether the incident happened in the past, is happening now, or may happen in the near future. If anyone has evidence / concerns that the following activities are occurring or suspected of occurring, they can be raised under the Whistleblowing policy:

- Committing/committed a criminal offence such a fraud.
- A person's health and safety are in danger as a result of LI activities or of those listed in 2.1 involved in LI activities.
- Actions result in risk or cause actual damage to the environment.
- Breaking the law, for example not having the right insurance, or not meeting statutory requirements.
- You believe someone is covering up wrongdoing of there has been a miscarriage of justice.

Personal grievances such as bullying, harassment or discrimination will not be considered under this policy and are not covered by Whistleblowing law. Any such concerns should be raised under through the appropriate organisation policy. See diagram attached for more information.

4. Whistleblowing Champion

The Board of the LI is responsible for appointing a Whistleblowing Champion. This will usually be the Chair of the People, Culture and Change Committee, or another Trustee appointed by the Board. Their role is to:

- Receive any Whistleblowing disclosure.
- Undertake a preliminary investigation to determine whether the disclosure falls under Whistleblowing Policy, if it requires referral for investigation under another policy or seek to address and resolve the concerns directly.
- Appoint any Investigator(s) if required.
- Make an immediate request to the Advisory Council to initiate a Committee of Inquiry where the disclosure relates to a current trustee or the Board of Trustees of the LI. Being mindful of any related conflicts of interest during that process.

- Keep the Board and any related parties informed keeping identities confidential.
- Review the conclusions of any investigations and where relevant, in liaison with the Board determine any responding actions.
- Report back to the Board.

5. Principles and conduct

Any matter raised under the Whistleblowing policy will be considered, and where applicable, investigated thoroughly, promptly and confidentially.

- Anyone employed by the LI who makes a whistleblowing disclosure is protected by law and should not be treated unfairly or lose their job because they 'blow the whistle'.
- Anyone not employed by the LI who makes a whistleblowing disclosure needs to feel safe to do so. Everything possible will be done to keep their identity confidential and ensure there are no repercussions because of them making a disclosure if that act has been with genuine intent.

  If the Whistleblower is a member of the LI any membership benefits and the continued opportunities for future volunteering or work will not be prejudiced because a legitimate concern has been raised.
- All concerns raised under this policy will be treated in confidence and every effort will be made not to reveal the identity of the Whistleblower beyond those carrying out or directly involved in the investigation and interviewing witnesses.

  If anyone is concerned about potential reprisals if their identity is revealed, they should flag this with the Whistleblowing Champion and appropriate measures can then be taken to preserve confidentiality.

  If anyone has any doubts then please seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.
- If the investigation process results in court proceedings, then the Whistleblower may be required to give evidence in open court.
- Victimisation, harassment or intimidation of an individual for raising a serious concern is a disciplinary offence and could lead to appropriate action taken under the relevant policy for the individual concerned.
- Any attempt to intimidate or harass any connected staff, volunteers, members or witnesses will not be tolerated. Such incidents could lead to appropriate action taken under the relevant policy for the individual concerned.
- An instruction to cover up wrongdoing is a disciplinary offence. If anyone is told not to raise or pursue any concern, even by a person in authority such as the Chair, Trustee or a line manager then any witness should not remain silent and speak up and alert the Whistleblowing Champion.
- If misconduct is discovered through any investigation under this policy, the relevant Disciplinary Policy will be utilised, in addition to any appropriate external measures that may be required.

- This policy should not be used for complaints relating to personal circumstances, such as:
    - The way anyone has been treated at work - in such cases, the Grievance Policy or Bullying and Harassment Policy to be implemented as appropriate.
    - The service a member has received from the LI - in which case the Service Complaints Policy should be used.
    - The behaviour or conduct of an employee of member of the LI - in which case the Behaviour or Complaints Policy should be applied.
- If anyone is uncertain whether something is within the scope of this policy, advice should be sought from the line manager, governance team or Whistleblowing Champion where appropriate. Contact details are at the end of this policy.
- If an investigation of an allegation made under the Whistleblowing Policy is found to be habitual or vexatious then it will be handled as per the Vexatious Complaints Policy.

6. Board of Trustees

The Board of Trustees is responsible for ensuring a Whistleblowing Policy and procedure is in place and a Trustee identified as the Whistleblowing Champion with a dedicated email for confidential contact can be made with them.

The Board are responsible for ensuring that the policy and procedures are regularly reviewed and monitored and that a Whistleblowing Register is maintained that records:

- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation (e.g the Whistleblowing Champion)
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The details of the Whistleblower(s) will remain confidential.

The Register will be confidential and only available for inspection by the Board in line with any potential conflicts of interest.

7. Data Protection

Any personal data collected in accordance with the LI's data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

8. External disclosures

The aim of this policy is to provide a clear, transparent and fair way of reporting, investigating and remedying any wrongdoing in the workplace. In most cases, it should not be necessary to alert anyone externally.

However, the law means that in some circumstances concerns will need to be reported to an external body such as a regulator or the Police. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage anyone to seek advice before reporting a concern to anyone external to the LI. The independent whistleblowing charity, Protect, operates a confidential helpline and has a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of LI staff or volunteers, but they may sometimes relate to the actions of a third party or anyone acting on behalf of the LI. If concerns relate to a member, supplier or service provider then the matter should be raised under their own organisation's Whistleblowing policy.

Appendix 1: Procedure to make and investigate a whistleblowing disclosure

We hope that in most cases employees will feel able to raise any concerns with their line manager in the first instance, or that a member feels able to raise concerns with anyone in the LI team directly.

In both instances it may be requested that the matter be put in writing in order that a preliminary investigation can be undertaken. The hope is that the matter can be resolved quickly and effectively or taken forward under other existing policies as appropriate.

The Whistleblower will be kept updated at all stages and around the final outcome of any investigation.

1. Making a disclosure

Anyone wishing to raise a concern under the Whistleblowing policy should contact the Whistleblowing Champion by email [regulations@landscapeinstitute.org] with as much written detail and supporting evidence as possible.

If necessary, the Whistleblowing Champion will arrange a meeting to discuss the disclosure in more detail to get a better understanding of the situation and help to inform the way forward. It may be possible to reach a resolution at this stage.

The LI encourages anyone wishing to raise a concern under this policy to feel assured and safe to identifying themselves. If a concern is raised anonymously, it is much more difficult to investigate. Whilst we will endeavour to investigate any allegations of a serious nature, it gives the investigation more credibility if the informant is identified and it also means they can be kept informed.

1.1 Initial Timetable

- An acknowledgement of the disclosure will be sent within 10 working days of receipt of the original disclosure along with an indication of how the matter will be taken forward. For instance,
- Next steps and an estimate of how long it will take to undertake a preliminary investigation
- When the whistleblower can expect to hear outcome of the preliminary investigation.
- Information on whistleblower support mechanisms.

2. Preliminary investigation

The Whistleblowing Champion will consider the allegation made and the supporting evidence supplied and determine the next step.

If the decision is not to proceed to full investigation, then there will need to clear reasons why not, including whether the allegation:

- Does not constitute a Whistleblowing disclosure.
- Should be taken forward under a different policy such as Complaints / Disciplinary.
- Falls under a Vexatious Complaint and associated policy.

Please see diagram for process followed once an investigation completed.

3. Whistleblowing Investigation

If the decision of the first preliminary investigation is to proceed to a formal investigation, then the Whistleblowing Champion will initiate one of the options below depending on the nature of the disclosure:

i. Nominate a person, or persons, to act as the Investigator and carry out an investigation and to assist in the decision on how to proceed.

   This may be a senior member of the Governance / HR teams or a combination of both of those considered to be suitably qualified.

   No one potentially conflicted with the allegation being made or likely to be interviewed as part of the investigation can be an Investigator.

ii. Make an immediate request to the Advisory Council to set up a Committee of Inquiry if the allegation relates to a current Trustee or the Board of Trustees.

   The Committee of inquiry to be supported by the Board Secretary.

   The Whistleblowing Champion can be invited by the Committee to attend the meetings and will work with the other members to determine how the investigation should be undertaken and if a third party should be appointed, at the cost of the LI.

   No one potentially conflicted with the allegation being made or likely to be interviewed as part of the investigation can be on the Committee.

In each instance, the investigator / committee will gather all evidence related to the allegation including communicating with any individuals referred to in the allegation and all other potential witnesses and connected individuals including employees, trustees, volunteers, members and any connected third parties and examining any previously submitted evidence or material.

The investigator / committee may also request to meet and/or interview individuals referred to in the allegation and/or witnesses. Where such interviews are required 7 days notice will be provided along with details of the arrangements for the interview (e.g. timings, attendees etc).

It is important to note that:

- An employee being interviewed can be accompanied by a representative or colleague. If the disclosure relates to one or more individuals, they shall be given the opportunity to make representation to the Investigator and have representation.

3.1 Whistleblowing investigation timetable

- The investigator should present findings to the Whistleblowing Champion within four weeks of an investigation being initiated. The report to include a statement of whether the allegation is upheld or that there is no evidence to substantiate it and any next steps.

- The Committee of Inquiry should conclude their investigation and determine next steps within four weeks of the investigation being initiated.
- If timescales need to be extended, then all parties involved will be informed by the Whistleblowing Champion of any amended timescale.

The Whistleblower is to be informed of the outcome of the investigation and next steps within 10 days of the investigations being concluded.

Where a Whistleblowing disclosure is made about an individual, the Whistleblowing Champion can, at their discretion, inform the individual concerned, as this may be necessary to complete the investigation and decision-making process above. If so, the individual will be presented with all details of the disclosure including all supporting evidence.

The individual will be informed of the outcome of the investigation and the next steps if applicable or advised that the matter is closed.

4. Decision and next steps

In consultation with the Board, or any sub-committee with delegated authority, the Whistleblowing Champion will decide on the best course of action. This may include:

- Not to proceed any further as the allegation is not substantiated.
- Refer the matter immediately to the appropriate authorities such as the Police or Charity Commission for action.
- Submit the case and evidence to the Advisory Council to action, if the conclusion of the investigation is the removal of a Trustee.

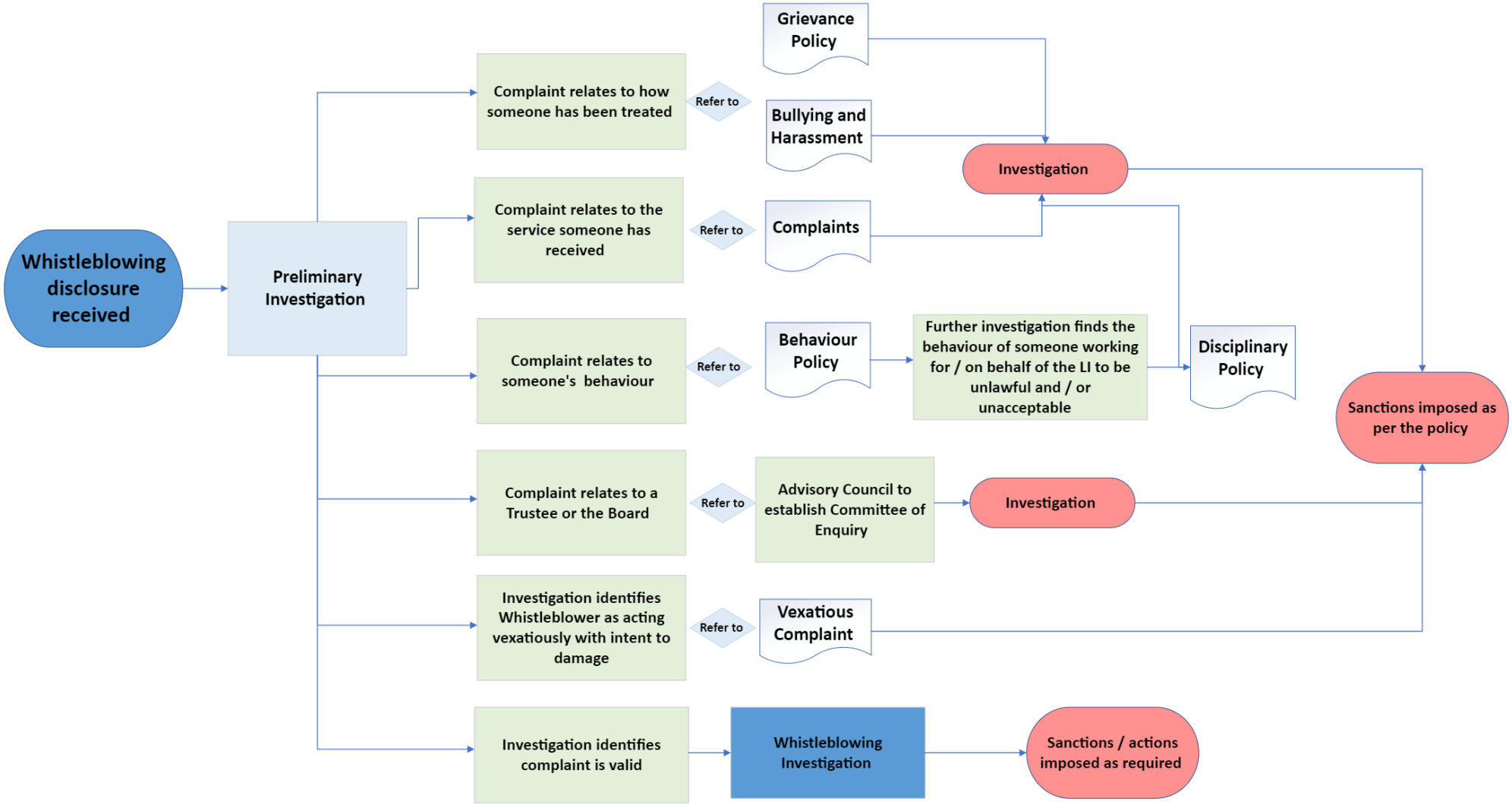
If the conclusion of the investigation is that the Whistleblower / informant has made false allegations maliciously, they may be subject to disciplinary action or action under the Vexatious Complaints Policy.

If the conclusion is that the allegation was made in good faith but is not upheld by the investigation, no action will be taken against the Whistleblower.

5. Appeal

If any party e.g. Whistleblower, witness or any individual accused, is not happy with the way the allegation has been investigated or the conclusions drawn, they can contact the Chair of the Board of Trustees or the LI's external auditors. Contact details are set out at the end of this policy.

Preliminary Investigation Outcomes



Contacts

Whistleblowing champion: regulations@landscapeinstitute.org

The independent charity Protect: www.protectadvice.org.uk / 020 3117 2520 (contact hours shown on the website) and have a list of case studies at protect-advice.org.uk/case-studies/

A full list of prescribed bodies who may be contacted regarding whistleblowing disclosures and further details about Whistleblowing can be found at:

Whistleblowing for employees: What is a whistleblower - GOV.UK