



GS26 – Green Synergy Whistleblowing Policy

Purpose of the Policy

Green Synergy is committed to delivering the highest quality of services in all aspects of its work and to openness, integrity and full accountability with regards to its practice and standards of delivery. In line with this, Green Synergy is committed to the highest standards of conduct and provides detailed quality standards, procedures and guidelines to ensure that these standards are observed.

However, Green Synergy is also aware that malpractice and wrongdoing may occasionally occur and that there is a need for a mechanism that enables staff (paid and unpaid), contractors, partners and other members of the organisation to voice concerns in a responsible and effective manner.

This policy will significantly benefit the overall efficiency of the operations for Green Synergy and promote the best interests of its service users, employees, volunteers, Trustees, members, partners, stakeholders and voluntary officers.

Statement of Policy

This policy defines Green Synergy whistleblowing policy framework and it is intended to be a clear and unequivocal statement that whenever any malpractice or wrongdoing by the organisation, its employees, volunteers or contractors is identified or reported it will be promptly and thoroughly investigated and that the alleged malpractice or wrongdoing will be rectified as necessary. Green Synergy will also investigate means of ensuring that such malpractice or wrongdoing can be prevented for the future.

The policy forms part of Green Synergy internal and external service delivery principles and the charity's internal governance management and arrangements and is in accordance with the Charities Commission England and Wales.

The Public Interest Disclosures Act 1998 protects employees and workers who report serious wrongdoings within the workplace. For a disclosure to be protected it must reasonably appear to the individual that it is in the "public interest". This policy should not be used to question financial or business decisions taken by Green Synergy, nor as a means of reconsidering any matters that have already been addressed under our grievance, disciplinary or other procedures.

The policy applies to all Green Synergy employees, volunteers, trustees, and key partners, customers, funders, consultants and service suppliers.

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This policy does not form part of any employee's contract of employment and Green Synergy reserve the right to vary, amend or withdraw it at any time

Policy Principles

Green Synergy expects as a basic requirement of every contract of employment, that an employee will faithfully serve his or her employer and not disclose confidential information about the employers' affairs. However, it also recognises that employees are often the first people who realise that there may be something seriously wrong within the organisation but may feel uncomfortable about expressing their concerns. This may be for a number of reasons; fear of being identified as disloyal to a colleague or the organisation, fear they may be victimised, concern their suspicion will not be taken seriously or because they would rather not get involved.

This policy intends to support individuals in this situation so that where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation they are able to disclose it internally without fear of reprisal. The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

Green Synergy has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to supplement not replace other organisational policies. Its purpose is to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question business decisions taken by the organisation nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Instead it may be, that once the whistle has been blown, action under other policies and procedures maybe invoked e.g. disciplinary procedures.

It should also be noted that having a 'whistleblowing' policy and relevant procedures in place, it is reasonable to expect staff to use them rather than air their complaints outside the organisation.

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Whistleblowing Policy

Green Synergy's Policy for Whistleblowing is based on the overriding principle that the needs of the service users must come first. It is designed to enable Green Synergy employees and others involved in delivering the Green Synergy programme to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or wrongdoing. Examples of these concerns include:

- Situations or bad practice detrimental to the welfare and safekeeping of children, young people and adults.
- Financial malpractice or impropriety or fraud.
- Failure to comply with a legal obligation or Statutes.
- Dangers to Health & Safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour by any employees, volunteers or other parties acting on behalf of the organisation.
- Attempts to conceal any of these.

This list is not exhaustive but indicates the types of concerns that should be raised:

- misuse of assets (including stores, equipment, vehicles, buildings, computer hardware and software)
- failure to comply with appropriate professional standards.
- bribery, corruption or fraud including the receiving or giving of gifts or hospitality in breach of our procedures.
- falsifying records.
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the organisation or would otherwise seriously prejudice the organisation.
- abuse of authority.
- using the power and authority of Green Synergy for any unauthorised or ulterior purpose
- causing damage to the environment.

Safeguards

1. Protection

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- a. This policy is designed to offer protection to Green Synergy employees and associates who disclose such concerns provided the disclosure is made:
 - i. In good faith
 - ii. In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case of malicious or wild allegations, could give rise to legal action on the part of the persons complained about.
 - iii. Green Synergy understands that the decision to blow the whistle can be a difficult one and will support concerned employees who raise a concern in good faith and will protect them from reprisals or victimisation. Individuals who try to discourage others from coming forward, to suppress information or who criticises or victimises another for expressing a concern will be subject to disciplinary procedures.

2. Confidentiality

- a. Green Synergy will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, 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 evidence required.

3. Anonymous Allegations

- a. This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation.
- b. In exercising this discretion, the factors to be taken into account will include:
 - i. The seriousness of the issues raised.
 - ii. The credibility of the concern.
 - iii. The likelihood of confirming the allegation from attributable sources.

4. Untrue Allegations

- a. If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In **Using community gardening to support people to socialise, learn and thrive.**



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, disciplinary action may be taken against that individual.

5. Procedures for Making a Disclosure

- a. When a complaint is raised by a member of staff it would be normal for their first reference to be their direct line manager. However, in some cases the line manager may not be the appropriate person. In such cases the issue can be raised with another member of the Senior Management team or the CEO.
- b. The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of Trustees. The Chair of Trustees has the right to refer the complaint back to the Senior management team if they feel that the Senior Management Team (without any conflict of interest) can more appropriately investigate the complaint. Caty Collier is current Interim Chair of Trustees. Email: chair@greensynergy.org.uk
- c. Should none of the above routes be suitable or acceptable to the complainant, then the complainant may contact the following individual who has been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them.
- d. Individuals can also contact Protect for confidential and independent advice about whistleblowing. Their details are Tel: 020 3117 2520. Email: whistle@protect-advice.org.uk Website: <https://protect-advice.org.uk>

6. Alerting outside bodies to a potential wrongdoing

- a. The individual should always, in the first instance, raise a concern about a wrongdoing or potential wrongdoing by following the procedure outlined above. If the individual has exhausted the internal procedure however, and is still not satisfied with the response, they are entitled to contact a relevant external body to express their concerns. In doing this, the individual should:
 - i. have a reasonable belief that the allegation is based on correct facts.
 - ii. make the disclosure to a relevant body, and
 - iii. have a reasonable belief it is in the public interest to make the disclosure.
- b. A "relevant body" is likely to be a regulatory body, e.g., the Health and Safety Executive, Financial Services Authority, optional: the Care Quality Commission

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etc. The media, including social media, is not a relevant external body, and individuals should not contact the media regarding concerns about the organisation.

7. Acting on a Disclosure

- a.** On receipt of a complaint of malpractice, the member of staff informed must make a record of the complaint and must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:
 - i.** Complaints of malpractice will be investigated by the appropriate Senior Manager unless the complaint is against a Senior Manager or is in any way related to their actions. In such cases, the complaint should be passed to the Green Synergy Chief Executive for referral.
 - ii.** In the case of a complaint, which is any way connected with but not against the Senior Manager, the Green Synergy Chief Executive will nominate a Senior Manager to act as the alternative investigating officer.
 - iii.** Complaints against the Green Synergy Chief Executive should be passed to the Chair of the Trustees who will nominate an appropriate investigating Trustee.
 - iv.** If there is evidence of criminal activity, then the investigating officer should inform the police. The charity will ensure that any internal investigation does not hinder a formal police investigation.

8. Investigating Procedure

- a.** The investigating officer should follow these steps:
 - i.** Full details and clarifications of the complaint should be obtained.
 - ii.** The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
 - iii.** The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Chair of the Trustees / Chief Executive
 - iv.** The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

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- v. A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chair of Trustees as appropriate.
- vi. The Chief Executive or Chair of Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate organisational procedures.
- vii. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome. This will need to be subject to the constraints of our duty of confidentiality to other staff or associates or other legal constraints.
- viii. If appropriate, a copy of the outcomes will be passed to the Company Auditors to enable a review of the procedures.
- ix. An annual report dealing with the application of the whistleblowing policy in the previous year will be made by the Green Synergy Chief Executive to the Trustee Board and where necessary make recommendations to improve the efficiency of the policy and organisational practice.

9. Timescales

- a. Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible, and within 28 days of receiving the complaint. The time taken to complete the investigation will depend on the nature of the concern and its complexity. It is also important that the speed of the investigation does not affect the quality and depth of the investigations.
- b. The investigating officer should acknowledge in writing, receipt of the concern, how the organisation proposes to deal with the issue and the likely timescale for doing so, within fourteen days of the concern being referred. If a decision is made to not investigate, the reasons will be given. The investigating officer will also report back to the complainant the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

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- c. All responses to the complainant should be in writing and sent to their home address.
- d. 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 the Chief Executive or Chair of Trustees, or one of the designated Officers described above.
- e. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, the organisation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

10. Ex-employees and workers

- a. Any protected disclosures made by ex-employees or workers after the termination of their employment/contract will be dealt with under this policy. In such cases, we would normally ask that the individual sets out the details of their concern in writing and we will then respond in writing, having undertaken such investigation as we deem to be appropriate.

11. Data protection

- a. When an individual makes a disclosure, Green Synergy will process any personal data collected in accordance with our 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.
- b. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our Disciplinary Procedure.

Related Policies:

GS1 Green Synergy Staff Handbook
GS6 Green Synergy Equity and Diversity Policy
GS11 Green Synergy Financial Controls Policy

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GS12 Green Synergy Fraud Prevention and Detection Policy

GS24 Green Synergy Disciplinary Policy and Procedure

GS30 Green Synergy Staff Code of Conduct

GS35 Green Synergy Anti Bribery Policy

Review Date: 31/03/2026

Document Control:

Policy Details			
Policy	GS26 Green Synergy Whistleblowing Policy		
Version	Date of Review	Reviewed by	Date Approved
V1	13.01.2023	CEO	Trustee Basecamp Approval
V2	18.03.2024	CEO	Trustee Basecamp Approval
V3	31.03.2025	CEO	Green Synergy Governance Google Drive

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