



## Whistleblowing & Complaints Policy

Functional owner:	Head of Finance
Consultation and review by:	CMT, PCT, Audit & Finance Committee Board
Final approved by:	Board
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Related documents:	Safeguarding Policy Grievance Policy

## 1. Introduction

- 1.1 FPP seeks to have and encourages a culture of openness and when problems occur, we want to ensure that these are dealt with in a way that both addresses the issue and does so in a way that is fair to the complainant and, where appropriate, to the subject of any complaint.
- 1.2 We believe in accountability in all directions and as a human rights organisation want to ensure that we act in the best interests of the communities in which we work. We want to encourage and facilitate any legitimate complaint so that we can ensure to the extent possible that justice is done and we do no harm.
- 1.3 The term complaint/ complainant is used throughout the policy but recognising that in some cases these terms may be wholly insufficient to describe the seriousness of the issue and the suffering inflicted on the complainant.
- 1.4 UK legislation limits legal protection for whistleblowing to workers in six specific areas. The FPP policy covers workers in all the six areas but widens the scope of the policy to include anyone with a connection to FPP and allows the policy to be used for any issue the complainant feels to be important.
- 1.5 The policy covers all complaints, regardless of whether whistleblowing protection is relevant or not; the aim is that all complaints are dealt with according to an agreed process.
- 1.6 Nothing in this policy contradicts or usurps any rights or process contained within the FPP Safeguarding Policy.

## 2. Who Can Make a Complaint?

- 2.1 Anyone can use this policy to make a complaint but in practice complaints are likely to be made by:
  - 2.1.1 Any staff members, including current, previous and prospective members of staff.
    - i. Trustees and other volunteers.
    - ii. Implementing partners.
    - iii. Community members with whom FPP works.
    - iv. Donors.
    - v. Auditors (both statutory and project or partner auditors).
    - vi. Suppliers, including consultants and researchers.
- 2.2 Both body corporates can make a complaint as well as an individual person from that body. For example a partner organisation can make a complaint as well as a staff member of that partner.

## 3. What Can Complaints Be About?

Area	Examples
3.1 Fraud and theft	Altering an expense receipt to claim more than was actually spent. Stealing money from petty cash.
3.2 Misuse of funds	Wasting money on activities that serve no programmatic purpose Spending far more on a good or service than would reasonably be needed

3.3 Conflict of interest	A relative of a senior staff member is employed without this being disclosed properly and/ or the new employee was not qualified for the position A member of the board is involved in a partner organisation of FPP, without disclosing this to the board and the executive.
3.4 Bullying and Harassment	These terms are defined in detail in the FPP Safeguarding Policy
3.5 Sexual harassment, abuse and exploitation	
3.6 Security and privacy	A staff member is pressured into undertaking a very risky trip Personal contact information is not kept safe
3.7 Not following the law or regulations	FPP or a partner does not account for income taxes on salaries correctly
3.8 Damage to the environment	A programme activity is likely to lead to deforestation Significant unnecessary travel is being taken
3.9 Miscarriage of justice	A disciplinary matter has been dealt with in a very unfair way An investigation has not been conducted in good faith
3.10 Breach of our fundamental values, as FPP or as human beings	Conducting a workshop where womens' voices were completely and consistently ignored or put down
3.11 Programmatic interventions or policy interventions which 'Did Harm'	Intervening in a community which led to harm being done to that community
3.12 Covering up wrongdoing in any of the above categories	Destroying falsified invoices Intimidating witnesses in a sexual harassment investigation

- 3.13 The complaint should be raised as soon as there is any **reasonable suspicion**. The complainant should not seek to verify the information or obtain evidence. The complaint should be made without delay.
- 3.14 Complaints may arise from the breach of our internal policies but something does not have to be prohibited or covered by our policies for it to be the subject of a complaint.
- 3.15 The alleged offence must be within FPP's locus of control in some way. For example we may be able to respond programmatically if abuse is being carried out by a local police officer but this falls outside the scope of this policy. But we have a direct responsibility where abuse is being carried out by a FPP or partner staff member.
- 3.16 The list above is not completely exhaustive, and the complainant may feel that the situation they want to complain about is not directly covered by the above categories.
- 3.17 The complainant does not need to categorise their complaint by these categories, and many complaints can cover multiple areas.
- 3.18 If the complaint is by one member of FPP staff about another member of FPP staff, and is more of a workplace issue, then this will be dealt with by the grievance procedure, as outlined in the Employee Handbook. This would include issues such as poor management, job dissatisfaction and generally relates to the individual complainant rather than having wider implications.
- 3.19 If there is uncertainty, then the FPP staff member can ask the Safeguarding Lead for advice.

3.20 The Safeguarding Lead can determine that a complaint is a grievance and discuss this with the complainant, before this is pursued further. One key difference in the procedures is that the grievance procedure is not anonymous.

#### 4. *Raising Issues Informally*

4.1 A potential complainant may not wish to use this policy and raise an informal complaint.

4.2 This policy does not address any policy or procedure for raising an issue informally – there is no informal complaints procedure.

4.3 If an issue is addressed informally, this does not in anyway alter the right of a complainant to address the issue through this policy at a subsequent stage.

4.4 Issues do not need to be (and sometimes must not be) addressed informally first.

4.5 The following issues must NOT be raised informally and should be reported as a complaint using this policy:

- i. Any child protection or safeguarding issue;
- ii. Any issue regarding bribery, fraud, theft or other misappropriation of funds;
- iii. Any issue which may involve FPP in direct or indirect liability for criminal activities, or give rise to referral or reporting requirements;
- iv. Any issue where the information has come from someone else and they have asked for the issue to be treated as a complaint.

4.6 Noting s.3.13 above, a complaint in one of the obligatory categories above should be raised as soon as there is reasonable suspicion.

#### 5. *How Complaints Can Be Made*

5.1 As a principle, FPP seeks to make the complaints mechanism very easy to access and the initial information requested is as minimal as possible.

5.2 Complaints can be made by email (to [complaints@forestpeoples.org](mailto:complaints@forestpeoples.org)) or through an online form on our website (which can be submitted anonymously) at [www.forestpeoples.org/xxx](http://www.forestpeoples.org/xxx), or leave a message on the dedicated complaints phone number +44 1608 690766. They can also be sent via WhatsApp/ Signal/ Telegram to +44 7xxxxxxx. All messages will be dealt with in strict confidence. National numbers may also be set up and are shown on our website.

5.3 Complaints can also be made to a staff member's line manager, welfare manager, senior member of staff, the Safeguarding Lead (Louise Henson, [louise@forestpeoples.org](mailto:louise@forestpeoples.org)) or the designated Board member (Michel.Pimbert@forestpeoples.org).

5.4 The initial information requested is the minimum necessary to ascertain the seriousness of the issue, the urgency that it needs to be dealt with and the appropriate person to lead on the investigation.

5.5 If the complainant has concerns about the Safeguarding Lead being privy to the information, they can make the complaint directly to another member of PCMT and outline their concerns. The PCMT member will determine the appropriate course of action but noting the protections in s.6 for complainants.

5.6 A complainant can withdraw a complaint providing that it is not one of the compulsory categories listed in 4.5 and the Safeguarding Lead is satisfied that no further investigation or actions should be taken. The Safeguarding Lead can determine that the investigation should continue even if the complainant wishes to withdraw it, although noting the protections in s.6.

## 6. *Protection for the Complainant (Whistleblowing Protection)*

- 6.1 The complainant is encouraged to make a complaint without being too concerned about whether the complaint is serious enough, whether they have the right to under the policy, whether the issue is covered by the policy or whether other mechanisms should be used. The complainant may receive feedback for future complaints but will not receive any reprimand for using the policy when it should not be used, providing the complaint is made in good faith.
- 6.2 The complainant has a right to anonymity and complaints can be made anonymously.
- 6.3 Where the complainant requests and where it is possible to do so, FPP will investigate and take appropriate action without breaching anonymity. Unfortunately this will not be possible in all cases but FPP will discuss the situation with the complainant before arriving at this conclusion.
- 6.4 The complainant does not need to, and in some circumstances should not, undertake their own investigations or need to gather evidence before making a complaint. Complainants are encouraged to make complaints on reasonable suspicion.
- 6.5 Victimisation of a complainant by other members of FPP staff would be considered a disciplinary offence.
- 6.6 The underlying principle is that the complainant should not suffer negative consequences for raising the complaint, either from an alleged wrongdoer, FPP management or other members of FPP or partner staff, and FPP will take any reasonable steps where necessary to prevent this where required.

## 7. *Investigation Process – General Guidelines and Principles*

- 7.1 The process described is a guideline rather than a fixed procedure as it will be impossible to cover all circumstances.
- 7.2 The following principles should lead any process followed:
  - i. The wellbeing of the complainant takes priority over all considerations, other than that of protecting others from abuse.
  - ii. The right of anonymity of the complainant is absolute and will be protected to the fullest extent possible if that is requested by the complainant.
  - iii. The process should be fair to all involved.
  - iv. The process should be as confidential as possible to protect the privacy of both the complainant and anyone likely to be criticised; names will be avoided wherever possible.
  - v. The complainant should be treated with sensitivity, compassion and respect.
  - vi. The complainant will be kept informed of progress of any investigation and action proposed as much as possible. This would normally happen on a fortnightly basis, or potentially more frequently if there are significant developments.
  - vii. No person will be involved in the process where they are the subject of the complaint or where the independence of the investigation could otherwise be jeopardised or seen to be jeopardised by their involvement.
  - viii. If there is any concern that even the knowledge of the complaint by a staff member who would normally be involved in the process could lead to harm to the complainant or jeopardise the investigation, then the complaint will be kept confidential from that person.
  - ix. Investigations will be held as quickly as possible and appropriate resources will be allocated to achieving this. It is not possible to put a time frame on the full

investigation but at least an initial investigation should aim to be completed within 2-4 weeks of the complaint being made.

- x. Alleged wrongdoers should also be protected during the investigation process to the extent possible.
- 7.3 FPP may engage a consultant or specialist to carry out an investigation where this is required, whether due to capacity issues, the necessity to have an external report or where it is more suitable due to language or travel logistics.
- 7.4 PCMT has the right to ignore and not respond to vexatious or spurious complaints, including further complaints which are sufficiently similar to the first complaint to be the same in nature as the first. On the first occasion it should communicate its categorisation of the complaint as such back to the complainant but does not need to thereafter.
- 7.5 A FPP staff member who maliciously makes a complaint or continues to make spurious complaints after fair warning will be subject to disciplinary action.
- 7.6 Where the process is likely to result in disciplinary action against a wrongdoer, a disciplinary process can be used as part of the WCP process where to do otherwise would result in unnecessary duplication of effort and delay.

## 8. *Process Stages*

- 8.1 All complaints, however received, should be sent to the Safeguarding Lead (SL) who will 'triage' the complaint.
- 8.2 The SL will record the complaint in a Complaints Register; all complaints are recorded.
- 8.3 The SL will allocate the complaint to a member of PCMT who will lead on the investigation. The allocation would normally be:
- i. Head of Finance: fraud, bribery, corruption, misuse of funds, value for money, financial misreporting.
  - ii. Managing Director (Safeguarding Lead): safeguarding, breach of IT security & data, conflict of interest.
  - iii. Operations Lead: staff and travel security, damage to environment, risk or harm to forest communities through projects.
  - iv. The SL will communicate back to the complainant about who is investigating the complaint.
- 8.4 The PCMT investigating lead will report back to PCMT at each meeting about developments in the investigation, and where there are significant developments.
- 8.5 The SL will notify the Co-Chairs of the Board where a serious complaint has been made. The Co-Chairs may notify other members of the Board.
- 8.6 Serious complaints include, but are not limited to:
- i. Any breach of our safeguarding policy;
  - ii. Actual or suspected fraud where the loss is likely to be more than £5,000 or there are urgent systemic issues to be addressed;
  - iii. Any issue that could have a high impact on the safety and security of FPP staff;
  - iv. Any complaint against a member of the PCMT, unless the complaint is considered spurious or vexatious by all other members of the PCMT;
  - v. Any complaint that could have a serious impact on the reputation of FPP;
- 8.7 The Co-Chairs have the right to involve a Board member in the investigation process.

8.8 The Complaints Register will be sent to the Board twice a year as part of the Board papers. The register will include all complaints, even if they are vexatious or spurious (which can be summarised).

8.9 The purposes of the investigation are:

- i. Provide justice and protection from harm, where appropriate, to the victim of the complaint. This may include any investigation being used as a pre-cursor to a criminal investigation.
- ii. Protect FPP, its partners and donors, from further loss or harm from the specific circumstances being investigated.
- iii. Help FPP develop cultural or behavioural responses, changes in strategic direction, new policies, processes and systems, as appropriate, to prevent further occurrence of the incident in the future.
- iv. Enhance the credibility of the WCP and process by showing that it is treated with seriousness and that positive change can come as a result of a complaint.

8.10 A draft report will be produced that may include the following areas, depending on the circumstances:

- i. The complaint
- ii. Background, description of events
- iii. Investigation process
- iv. Evidence found. Justifications and examination of justifications.
- v. Conclusion of investigation
- vi. Actions to be taken (or already taken) to resolve the situation, including any support for the victim of the complaint where appropriate. Include budget or estimate where appropriate.
- vii. Consideration of whether and how the event should be reported outside the organisation, including to the police (see s.10).
- viii. Actions to be taken to prevent similar occurrences in the future or where the complaint indicates wider failures in FPP. Include budget or estimate where possible and appropriate.
- ix. Distribution list of the report.
- x. Initial summary to staff of the report (if appropriate and not of a confidential nature)

8.11 The draft report or a summary of the key points will be shared with the complainant where possible for their comments. The complainant should have a chance to feedback on the draft report before finalisation, where possible and appropriate.

## 9. Appeals Process

9.1 Where the draft report is shared with the complainant, the complainant may appeal against the findings of the report or consider that the actions are insufficient. Any appeal must be lodged by the complainant within 14 days of receipt of the draft report.

9.2 The appeal process will be managed by the Director and will be heard by a Board member (who was not involved in the initial investigation).

9.3 The Director may delegate the process to another member of PCMT, but not the PCMT member who managed the initial process.

9.4 The circumstances may be sufficiently serious that the appeal would be heard by more than one Board member. The make up of the appeal panel, if one were necessary, would be determined by the Board member.

- 9.5 The Board member hearing the appeal process may determine the process for the appeal, including time frames, how evidence can be submitted, the right to any representation by the complainant.
- 9.6 The final report will follow the appeal process and take into consideration any further evidence in the appeal process or following further investigation.
- 9.7 There is no further appeal stage following the final report.
- 9.8 The report may indicate wrongdoing by members of FPP staff. This policy does not lay out the policy of what sanctions could be applied or how they would be applied but any appeal process to this sanction would be laid out in the corresponding policy: disciplinary or grievance policy. The WCP does not include an appeal process that would duplicate or contradict an appeal process in any other policy.
- 9.9 However if the circumstances are such that there is no recourse by the wrongdoer in any other policy or process to respond to the allegations, then the Board member/ panel hearing may consider hearing an appeal against the findings by the wrongdoer.
- 9.10 There may be many circumstances where the report is not shared with someone criticised in the report due to issues of preserving anonymity or where the individual could undertake further harm. FPP has the right to take action at any point during the process without any communication with the alleged wrongdoer.
- 9.11 The alleged wrongdoer has the right to use the WCP in their own right, although this must not contravene the initial complainant's right to anonymity, where requested.

#### *10. Disclosing Information to Third Parties*

- 10.1 FPP has the obligation to report serious incidents to the UK Charity Commission (Reporting Serious Incidents report). This should be done as soon as possible, and not later than 14 days after the complaint has been received, even where the full facts are not yet known or have not been investigated.
- 10.2 A draft RSI report will be shared with, as a minimum, the AFC for comment before submission to the Charity Commission and the final report will be shared with other Board members immediately following submission.
- 10.3 Any RSI must be shared with our statutory auditors immediately following submission.
- 10.4 FPP is also required to notify donors where certain issues have occurred, particularly safeguarding, corruption and fraud, under their contracts. Even where not required, we would seek to be as transparent as possible with donors.
- 10.5 Where it is unclear which donor has been affected, FPP would seek to inform all potential donors of the issue.
- 10.6 Where any criminal offence has occurred in the UK, FPP would report this to the British police and provide any evidence and otherwise support prosecution.
- 10.7 In other countries FPP would also, by default, report a criminal offence to the police, unless our assessment is that the judicial standards or law enforcement practices in the respective country are so neglectful of human rights and the rule of law that it would be against our values and identity as a human rights organisation to pursue this. In this case the Director must agree that no such action would be taken, and this would be informed to the AFC. The AFC or Board may overrule this decision.
- 10.8 No reference would be given for any member staff who had been found in breach of our safeguarding policy, code of conduct or otherwise been dismissed from the employ of FPP for gross misconduct. Where we are contacted by another organisation to provide a reference we



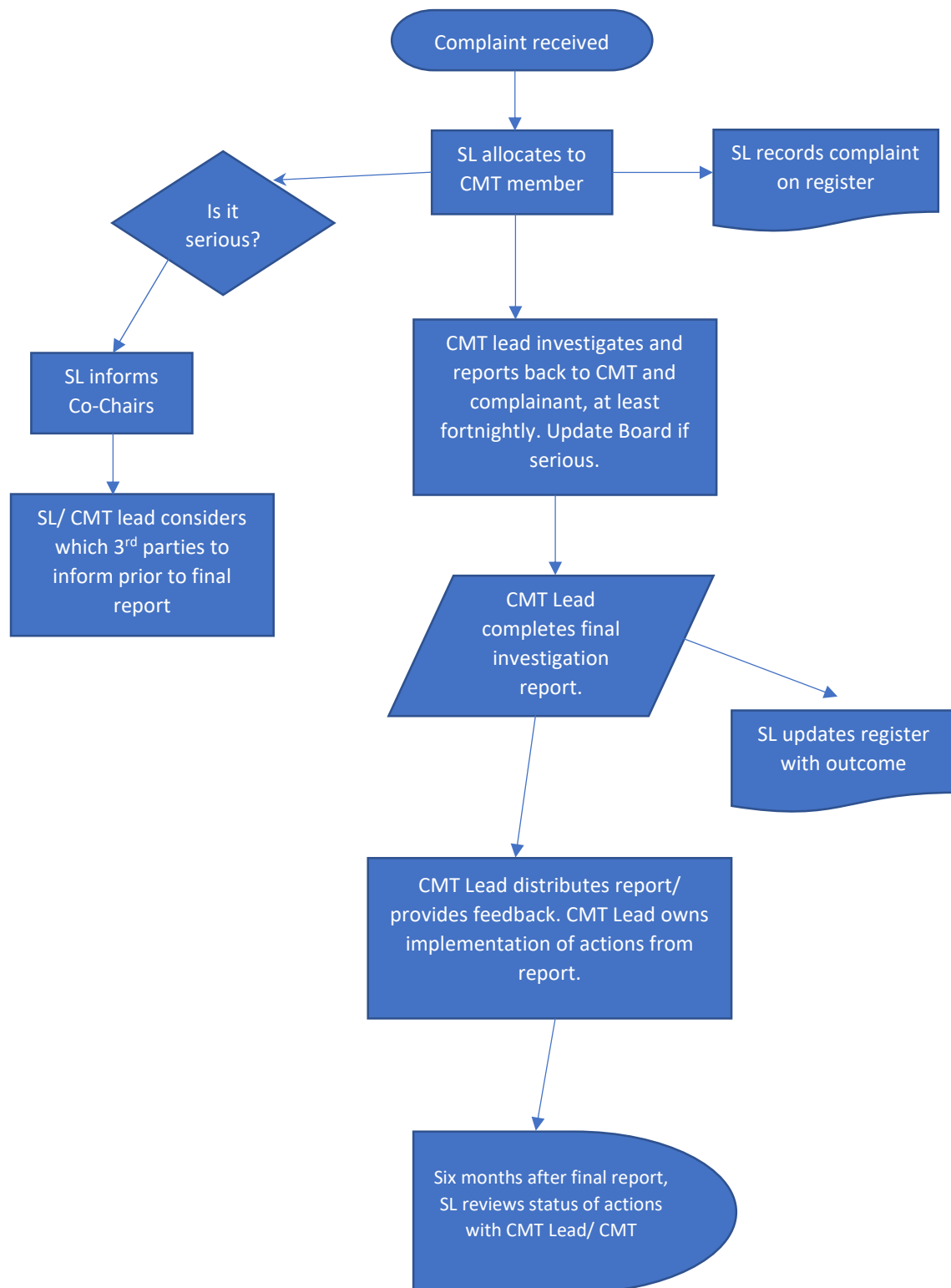
would share a summary of the incident and outcome of the investigation, providing it were legal to do so.

- 10.9 Where a staff member resigns before disciplinary proceedings are held, they may still face the sanction above even though they are no longer a staff member. In this case FPP would give the right to the staff member to make representations against the allegations to prevent this sanction. FPP has no obligation to provide a reference.

#### *11. Six Month Follow Up*

- 11.1 The PCMT Lead will generally be responsible for following up on the actions from the report and will include this in their workplan, although elements may correspond to other PCMT members or staff.
- 11.2 The SL should notify PCMT six months following the publication of the final report and present the actions agreed, unless the SL considers that this not necessary.
- 11.3 PCMT should note the completeness of actions and whether any further actions are necessary.
- 11.4 It may also decide that actions included in the original report are no longer necessary or relevant.
- 11.5 The conclusion of this review should be shared with the Board at the next meeting.

12. Process Flowchart (Guideline) – Excludes Appeal Process



Note: this flowchart does not supersede or contradict the FPP Safeguarding Complaints & Allegations Flowchart; the latter describes the particular process to be used with issues of Safeguarding.

## Annex

1. Other things needed
  - i. Develop FAQs for website
  - ii. Clear path(s) on website to WCP and how to make a complaint/ FAQs
  - iii. Webform for complaint submission
  - iv. Poster for partners
  - v. Small inset for publications, e.g. workshop info
  - vi. Translation for all the above, as appropriate
  - vii. Set up a work mobile telephone number to receive complaints by WhatsApp/ Signal/ Wire/ Telegraph/ Skype. Test.
  
2. Complaints Register fields
  - i. Source of complaint (how received)
  - ii. Date received
  - iii. Summary of complaint
  - iv. Complaint type (safeguarding, money, reputation, crime)
  - v. PCMT Lead, date notified
  - vi. Date of acknowledgement by SL
  - vii. Current status of complaint
  - viii. Date draft report finalised
  - ix. Date complainant notified
  - x. Date appeal received
  - xi. Date appeal process finalised
  - xii. Date final report finalised
  - xiii. Date six-month review held

### Guidance Questions for Investigator

- i. Describe what's happened.
- ii. What led up to this? (context, history, etc)
- iii. Are there any other witnesses or evidence of what's happened? (NB there is no onus on the complainant to investigate at all).
- iv. Have there been similar events in the past? Were there witnesses/ evidence to this?
- v. If making a complaint on behalf of someone else, are they aware of this? What would their reaction likely to be?
- vi. Is the subject of the complaint aware a complaint is being made?
- vii. Do you have any fears of negative consequences from making the complaint?
- viii. Do you wish the complaint to be anonymous? If so, ensure complainant understands the consequences of that.

### 3. Assessment of Impact of the Policy (not impact of the rollout process)

<i>Area</i>	<i>Positive</i>	<i>Negative</i>
Staff time		
IT systems		
Security risks		

Staff effectiveness		
Staff morale		
Anything else		

#### 4. Policy rollout/ Training

<i>Who</i>	<i>How</i>	<i>What</i>	<i>When</i>
All			
Partners			
Staff			
PCT			
New staff			
New trustees			

#### 5. Budgetary Implications of Rollout

09 July 2020

End