

# Whistleblowing Policy

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# Whistleblowing Policy

## Whistleblowing Policy Statement

EBP South is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with EBP South’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the organisation. This is known as “blowing the whistle” – a phrase that is used throughout this policy and should be viewed as a positive action.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with EBP South’s Data Protection Policy.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with EBP South standards and policies.
- Provide members of the organisation with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act 1998 (PIDA).

Under this policy, any of the following can raise a concern:

- Employees of EBP South
- Voluntary workers working with EBP South
- The Board of Trustees for EBP South

## Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996
- DfE (2023) ‘Keeping children safe in education 2023’
- GOV.UK (2012) ‘Whistleblowing for employees’
- Sir Robert Francis (2015) ‘Freedom to speak up report’

This policy operates in conjunction with the following EBP South policies:

- Safeguarding Policy

- Safeguarding code of conduct
- Disciplinary and Grievance Policy
- Whistleblowing Policy
- Data Protection Policy
- Complaints Policy

## **The Public Interest Disclosure Act (PIDA)**

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Chief Executive Officer (CEO) is the first point of contact for whistleblowing queries. If the allegation is related to the CEO, the concern will be raised with the Chair of the Board.

Any member of EBP South or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The ‘Non-employees’ section of this policy includes further details on how whistleblowing affects non-employees.

## **Definitions**

**“Whistleblowing”** is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **“qualifying disclosures”** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

**“In the public interest”** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed

- The identity of the alleged wrongdoer

**“Blacklisting”** refers to an individual who is being refused work because they are viewed as a whistleblower.

**“Grievances”** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

Whistleblowing can have a significant impact on an individual at work and their relationships with colleagues, e.g. if they are experiencing severe anxiety, this may have negative side effects on their happiness at work.

## **Roles and responsibilities**

The Board of Trustees will be responsible for:

- Reviewing and approving the Whistleblowing Policy.
- Ensuring the agreed Whistleblowing Policy is published on the EBP South website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of EBP South have access to this policy.
- Investigating, in liaison with the CEO, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the organisation can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the Safeguarding Code of Conduct as part of a wider approach to Safeguarding.
- Be responsible for receiving any concerns raised about the CEO.

The CEO/SMT will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by EBP South staff.
- The CEO will be the first point of contact regarding whistleblowing.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the ‘Definitions’ section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## Harassment and victimisation of staff

EBP South recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the organisation as a whole; however, EBP South will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Disciplinary and Grievance Policy.

## Non-employees – Volunteer/External organisations

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, EBP South will not allow harassment or exclusion for any non-employee who raises a genuine concern.

Where a non-employee individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the EBP South Complaints Policy.

The Board of Trustees are not employees and, while they are responsible for ensuring there is a Whistleblowing Policy in place, they are not protected under the PIDA.

## Good practice principles

EBP South will implement the core whistleblowing principles, as outlined in the 'Freedom to Speak Up report', to ensure that whistleblowing procedures are fair, clear and consistent.

EBP South will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- of safety in the organisation.
- where people feel confident with raising concerns.
- free from bullying.
- of visible leadership.
- of valuing staff.
- of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the 'Procedure' section of this policy, EBP South will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How EBP South will mediate and resolve disputes.

EBP South will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff.
- Providing the necessary support to staff.
- Providing support to staff who are seeking alternative employment.
- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.
- Undertaking regulatory action as required.
- Informing staff what protection is available to them if they report someone.
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their line manager.

EBP South will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

## Procedure

When raising concerns, individuals will express them in writing to the CEO. If an individual is raising a concern about the CEO, they should express their concerns in writing to the Chair of the Board.

Where this is the case, the Chair of the Board will take on the CEO's duties outlined in the 'Interview and investigation' section of this policy.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern.
- The reasons for the concern, giving specific details wherever possible.
- Any relevant names, dates, times and places.

You do not have to provide your name or contact details however, EBP South encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate or follow up with progress to the informant.

As far as practicable, the identity of the person raising the concern will be kept confidential, however this cannot be guaranteed in all circumstances (e.g. if the matter proved to be a criminal offence, the police may be involved).

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, EBP South will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the EBP South safeguarding system to be raised with the SMT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the EBP South or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the appropriate Local Authority Designated Officer (LADO).

EBP South, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Whilst malicious misinformation will not be tolerated and could result in disciplinary action, EBP South will seek to fully support any employee or volunteer who raises genuine concerns.

## **Interview and investigation**

The CEO or Chair of the Board will write to the individual within 10 working days of the initial written concern being received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, EBP South will establish if:

- There are grounds for concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the CEO or Chair of the Board will request the individual puts their concern in writing, if they have not already done so. The CEO or Chair of the Board will write a summary of the concern if the individual is unable to put it in writing.

The CEO or Chair of the Board will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent EBP South giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Board of Trustees will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with EBP South Data Protection Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across EBP South and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

### **What EBP South asks of whistleblowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside EBP South unless it is to report the concern through the proper external channels, e.g. the Local Authority.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

### **Appeal process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the EBP South Complaints Policy.

### **Unfair treatment**

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or similar.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

### **Availability**

A copy of this policy will be made available on request. It will also be published on EBP South website.

### **Monitoring and review**

The Whistleblowing Policy will be reviewed bi-annually, considering any legislative changes.

Responsibility for reviewing the procedure belongs to the SMT and the Board of Trustees.



Information gathered through reviewing the Whistleblowing Policy will be used to continuously improve and develop the process. Any changes to this policy will be communicated to all relevant stakeholders.

**Date of last review: March 2025**

**Date of next review: March 2027**