



WHISTLEBLOWING POLICY

SCCU LIMITED

VERSION 4.0

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Version Control

VERSION	REVIEWER NAME	DATE	NEXT REVIEW	COMMENTS
3.0	Policy Pros	Aug 2021	Aug 2022	Update to current policy.
4.0	Policy Pros	Feb 2023	Feb 2024	Update and rename to Whistleblowing.

Introduction

1. SCCU is committed to the highest standards of openness, integrity, and accountability to ensure that all stakeholders' health, safety, and well-being are maintained and that our organisation is free from illegal and unethical practices.
2. An important aspect of accountability and transparency is a mechanism to enable staff members to voice concerns responsibly and effectively.
3. Where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation, this information should be disclosed internally without fear of reprisal.
4. 'Whistleblowing' is the term given to action taken under the Public Interest Disclosure Act 1988 (PIDA) and Employment Rights Act 1996.
5. This Act protects workers when raising serious concerns under certain circumstances.
6. This policy outlines Whistleblowing and explains a worker's legal protections under the Act, and documents the procedure for raising such concerns.

Scope

7. This policy applies to all SCCU staff members, including employees, agency workers, self-employed contractors, apprentices, and others working for us or on our behalf.
8. This policy is not designed to question legitimate business decisions, nor should it be used to raise a grievance or reconsider any matters already addressed under another policy.
9. This policy is available on request to any colleague or stakeholder.

Roles and Responsibilities

10. The Education Manager and CEO are responsible for responding to, investigating, and managing whistleblowing concerns brought to their attention.
11. Staff members are responsible for reading and understanding this document and raising genuine whistleblowing concerns in line with our policy and procedure.

Definitions

12. Whistleblowing

Reporting certain types of wrongdoing - usually something at work, though not always.

13. A Whistleblower

An individual who informs on a person or organisation engaged in unlawful or immoral activity.

14. Qualifying Disclosures under PIDA

15. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example, the general public. Concerns may relate to historical, current, or possible future wrongdoing. Examples of whistleblowing concerns covered under the Act are:

- a. A criminal offence, for example, fraud.
- b. If the health and safety of an individual or group are being compromised.
- c. The risk of, or actual damage to, the environment.
- d. A miscarriage of justice.
- e. An employer breaking the law; for example, it does not have the relevant insurance.
- f. The covering up of wrongdoing.

16. Complaints that do not count as Whistleblowing:

- a. Personal grievances.
- b. Disagreeing with organisational rules or processes.
- c. Bullying and harassment (unless the case is in the public interest).

17. PIDA

Public Interest Disclosure Act 1988. This Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

18. Investigators

The SCCU management with the responsibility of responding to and investigating whistleblowing concerns. This may be either the Education Manager or CEO. These individuals may appoint trustworthy co-investigators to assist them.

Policy

Legal Protection for Whistleblowers

19. Whistleblowers are protected by law and should not be mistreated or lose their job, nor suffer any form of retribution, victimisation, or detriment due to their actions when making a qualifying disclosure.
20. It is important to note that as long as staff have raised a concern in good faith, they will not be subject to disciplinary action even if the investigation finds the allegations unproven.
21. Whistleblowers not acting in good faith will retain protection under the law where a whistleblowing concern qualifies; however, where allegations are made that are knowingly untrue and/or made for personal gain, we may seek to take disciplinary action.
22. Further information about PIDA can be found in the resources section of this policy.

Confidentiality

23. Whilst we accept anonymous whistleblowing concerns, staff should be aware that it is not always possible for us to fully investigate a concern without a detailed account and/or the option to seek further information. It is, therefore, advisable for whistleblowers to reveal their identities.
24. Where a whistleblower wishes to make a claim confidentially, we will do our utmost to respect their request. However, we are unable to guarantee confidentiality.
25. If we are in a position where we cannot maintain confidentiality and so have to make disclosures, we will discuss the matter with the whistleblower first.
26. In any investigation, the whistleblower will be expected to keep the fact that they have raised a concern, the nature of the concern, and the identity of those involved confidential.

Limits to Protection Under PIDA

27. It is important to note that disclosure will not be protected under PIDA where an individual is committing an offence by making that disclosure, for example, by breaching the Official Secrets Act or Section 59 of the Data Protection Act.

28. Individuals reporting concerns to the media will, in most cases, lose their whistleblowing law rights.

Right to be Accompanied

29. Employees and workers are entitled to be accompanied by a workplace colleague or union representative at any formal meeting held under this procedure.
30. The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.
31. Staff are not normally permitted to be accompanied to an interview unless it is likely that disciplinary action could be brought as part of their disclosure.

Investigation Timeline

32. It is not normally appropriate to set a specific time frame for the completion of investigations in advance, as the diverse nature of disclosure contemplated makes this unworkable.
33. However, so far as the investigators consider it appropriate and practicable, the whistleblower will be kept informed of the progress of the investigation.
34. In most instances, the addressee will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure should be disregarded, for example, where it is based on erroneous information.
35. If the claim is deemed to be a genuine qualifying disclosure, a formal investigation will follow.
36. Where appropriate, such as in cases where serious misconduct has been alleged, the addressee may refer SCCU to an external regulatory body, authority, or prescribed person or body who may take over any investigation.

Procedure

Raising a Concern

37. If you are concerned about any form of malpractice or wrongdoing, you should, in the first instance, raise the matter with either the Education Manager or CEO.

- 38. Concerns should be presented as a letter of concern, which may be anonymous or include a name and request to remain anonymous.
- 39. The letter of concern should consist of the following:
- 40. The background and history of any concerns; and
- 41. Names, dates, and places (where possible); and
- 42. The reasons why you are particularly concerned about the situation/occurrence.

Initial Assessment

- 43. After you have raised your concern, the investigator will decide how to respond responsibly and appropriately. This will involve making internal enquiries and making an initial assessment of facts.
- 44. To clarify the information received, gather evidence, ensure that there is a genuine concern, and determine whether sufficient grounds for the concern exist, the investigator will usually arrange a meeting with the whistleblower.
- 45. Any evidence gathered so far, including statements from the whistleblower, must be retained and stored safely and securely.

Formal Investigation

- 46. Matters will be investigated formally where the investigator has cause for concern.
- 47. Any formal investigation should be conducted by the addressee, who will not be implicated in the wrongdoing and will, wherever possible, possess the time, knowledge, and skills to undertake the task. The investigator may appoint a suitable co-investigator to assist them where they do not have specialist knowledge or require support due to time constraints.
- 48. The purpose of the investigation will be to fact-find and obtain any additional evidence where wrongdoing has occurred.
- 49. Where interviews are required as part of the investigatory process, staff members are obliged to act with honesty and give their full cooperation.

Conclusions

- 50. Following the informal assessment and/or formal investigation, the investigator, with guidance from the CEO or other senior manager as appropriate, will decide what, if any, action should be taken.
- 51. The action taken will be recorded in a central Whistleblowing Concerns File.
- 52. Where appropriate, the investigator(s) will prepare a lessons learnt report.

Raising your concern Externally (exceptional cases)

- 53. In all but the most exceptional of circumstances, concerns about malpractice should be raised internally so that SCCU may investigate the matter and, where necessary, self-refer to the appropriate authorities.
- 54. If you cannot raise your concern internally for any reason or if you are unsatisfied with how your concern was dealt with, there are other ways, some of which are set out in the law, where you may disclose without losing your rights under the Act by informing a 'Prescribed Person or Body.'
- 55. A complete list of prescribed persons and bodies can be found here:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Staff Support

- 56. Guidance on Whistleblowing may be obtained from:
 - a. A trusted member of management or Human Resources Team; or
 - b. At the following whistleblowing support service: <https://protect-advice.org.uk/>
- 57. Any staff member or subcontractor who is subject to victimisation concerning their Whistleblowing should raise the matter as a grievance following normal SCCU policy.

Non-Compliance

- 58. All deliberate breaches of this policy, such as victimisation of a whistleblower, concealing evidence, or making malicious/vexatious claims for personal gain, will be investigated under the SCCU Disciplinary Policy.
- 59. Where appropriate, SCCU will involve the Police or other law enforcement agencies concerning breaches of this policy.

Monitoring and Reviewing

60. This policy should be reviewed periodically to ensure that it remains compliant with current legislation, meets best practices, and is not discriminatory.

61. SCCU will monitor the following:

- a. The amount and nature of any whistleblowing concerns raised.
- b. Disciplinary actions arising from this policy.
- c. Grievance following whistleblowing actions due to victimisation.
- d. Referrals to the authorities/governing bodies.

62. The version number on new policies is always 1.0 and should be increased by one whole number each time the policy is edited other than to make simple changes, where they may increase in increments of 0.1.