



# WHISTLEBLOWING POLICY

SCCU LIMITED

VERSION 4.1

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## Version Control

<b>VERSION</b>	<b>REVIEWER NAME</b>	<b>DATE</b>	<b>NEXT REVIEW</b>	<b>COMMENTS</b>
<b>3.0</b>	Policy Pros	Aug 2021	Aug 2022	Update to current policy.
<b>4.0</b>	Policy Pros	Feb 2023	Feb 2024	Update and rename to Whistleblowing.
<b>4.1</b>	Policy Pros	Oct 2023	Oct 2024	Minor additions and grammatical changes.

## 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" or "the Act") and the Employment Rights Act 1996.
5. This Act protects workers when raising serious concerns under certain circumstances.
6. This policy outlines Whistleblowing and the legal protection afforded to whistleblowers under the Act and documents the procedure for raising such concerns.

## Scope

7. This policy applies in part to all SCCU staff members, including employees, agency workers, self-employed contractors, apprentices, and others working for us or on our behalf. (The exception is that not all staff are protected under PIDA.)
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, failing to abide by GDPR.
- 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 jobs, nor suffer any form of retribution, victimisation, or detriment due to their actions when making a qualifying disclosure.
20. Protection starts from the beginning of employment and continues even if the whistleblower no longer works for the employer they're making a disclosure about.
21. 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.
22. 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.
23. Further information about PIDA can be found in the resources section of this policy.

### Confidentiality

24. 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.
25. 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, for example, if the case goes to court.
26. 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.
27. In any investigation, the whistleblower, our management team, and any witnesses called 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

28. 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.
29. Individuals reporting concerns to the media will, in most cases, lose their whistleblowing law rights.
30. Those who are genuinely self-employed, volunteering, or acting as non-executive directors will not usually be protected.

## Right to be Accompanied

31. Employees and workers are entitled to be accompanied by a workplace colleague or union representative at any formal meeting held under this procedure.
32. The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.
33. 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

34. 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.
35. However, so far as the investigators consider it appropriate and practicable, the whistleblower will be kept informed of the progress of the investigation.
36. 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.
37. If the claim is deemed to be a genuine qualifying disclosure, a formal investigation will follow.
38. 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

39. 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.
40. Concerns should be presented as a letter of concern, which may be anonymous or include a name and request to remain anonymous.
41. The letter of concern should consist of the following:
  - a. The background and history of any concerns; and
  - b. Names, dates, and places (where possible); and
  - c. The reasons why you are particularly concerned about the situation/occurrence.
42. If you are in possession of any evidence, you should also include this.
43. It is important to note that the whistleblower does not need solid proof that wrongdoing has occurred but must have a 'reasonable belief' that wrongdoing has occurred, is occurring, or is likely to occur.

### Initial Assessment

44. After you have raised your concern, the investigator will decide how to respond responsibly and appropriately. This will initially involve making internal enquiries and making an assessment as to whether there is sufficient evidence to open a formal investigation.
45. In addition, to clarify the information received and gather further details, the investigator will usually arrange a meeting with the whistleblower.
46. Any evidence gathered so far, including statements from the whistleblower, must be retained and stored safely and securely.

### Formal Investigation

47. Matters will be investigated formally where the investigator has cause for concern, and further evidence of wrongdoing is required.
48. Any formal investigation should be conducted by a member of senior management who is not implicated in the wrongdoing and possesses 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.

49. The purpose of the investigation will simply be to fact-find and obtain any additional evidence related to the concern at hand.
50. Where interviews are required as part of the investigatory process, staff members are obliged to act with honesty and give their full cooperation.

## Conclusions

51. 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.
52. The action taken will be recorded in a central Whistleblowing Concerns File.
53. Where appropriate, the investigator(s) will prepare a lessons learnt report.

## Raising your concern Externally (exceptional cases)

54. In all but the most exceptional of circumstances, whistleblowing concerns should be raised internally so that SCCU may investigate the matter and, where necessary, self-refer to the appropriate authorities.
55. 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.'
56. 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

57. 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/>

58. Any staff member who is subject to victimisation concerning their Whistleblowing should raise the matter as a grievance following normal SCCU policy by raising a grievance.

## Non-Compliance

59. 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.

60. Where appropriate, SCCU will involve the Police or other law enforcement agencies concerning breaches of this policy.

## Monitoring and Reviewing

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

62. 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.

63. 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.

## Contact Details

Education Manager: Liam Morrissey, Tel: 07525931267 / 02476 936969 Email: [lmorrissey@sccu.uk.com](mailto:lmorrissey@sccu.uk.com)

CEO: Scott Riddell, Tel: 02476 936969, Email: [hello@sccu.uk.com](mailto:hello@sccu.uk.com)