



Policy Name:	Whistleblowing Policy
File No:	P11
Version:	4.0 (Final)
Policy Custodian:	Company Secretary
Policy Champion: (if applicable)	Governance & Regulations Manager

This document also relates to the following St Basils policies, procedures and guidelines:

- Equality, Diversity & Inclusion
- Confidentiality
- Safeguarding
- Disciplinary
- Grievance
- Financial Regulations
- Complaints, Comments and Compliments
- Anti-Fraud, Theft, Bribery & Corruption
- Data Protection (GDPR)
- Security of Information
- Probity

Consultation Framework:

Consultation of this policy has taken place with the following parties during the following periods of time:

Custodian	29.09.2023 – 13.11.2023
Champion	12.10.2023 – 13.11.2023
Employees	12.10.2023 – 13.11.2023
Senior Leadership Team	16.11.2023 Approved
Committee (BSAC)	23.11.2023 Approved
Board of Directors	04.12.2023 Approved

Approved by:	The Board	Approved date:	04.12.2023
Issue date:	07.12.2023	Review due by:	December 2026

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Policy Statement

St Basils is committed to the highest standards of quality, probity, openness and accountability. Because of this commitment, we encourage employees and others who engage with our work at all levels with any serious concerns about any aspect of our work to take the appropriate action by coming forward and expressing those concerns.

A Whistleblowing concern must be based on a reasonable and honest suspicion.

The aim of this policy is to provide our employees (as defined below) with the confidence to raise confidential concerns without fear of victimisation, which could be in the form of discrimination, disadvantage or dismissal. Any instances of victimisation will be taken very seriously and managed via the appropriate HR process, which will be supported and framed by our EDI Policy.

Scope of Policy

This policy applies to all and for the purposes of this policy the term 'employee' will include all employees (whether full time or part time), volunteers, casual workers, board members, co-opted committee members, student placements, contracted workers and consultants.

Definitions

Whistleblowing is the term used when a worker passes on information concerning wrongdoing which has an impact on the public interest (meaning it must affect others). The wrongdoing will typically (although not necessarily) be something they have witnessed at work. The concern can be happening now or may happen in the future.

Legislation and Guidance

Public Interest Disclosure Act 1998

The Employment Rights Act (1996) Amended

Modern Slavery Act 2015

BEIS Guidance for Employers and Code of Practice 2015

The Whistleblowing Commission Code of Practice

Enterprise & Regulatory Reform Act 2013

National Housing Federation Code of Governance 2020

National Housing Federation Code of Conduct 2022

The Public Interest Disclosure Act (PIDA) 1998 - PIDA provides protection for employees who voice genuine and legitimate concerns in relation to qualifying disclosures. The legislation protects employees from detrimental and unfair treatment or victimisation from their employer if the following three things are true:

- The disclosure was made in the public interest
- The whistleblower honestly believes what they are reporting is true
- The disclosure was made to the right person

The legislation does not apply to voluntary workers, but our policy will.

A Qualifying disclosure is defined under the act as:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment or
- Deliberate concealment of information tending to show any of the above

Anyone raising a concern can be accompanied by a colleague, friend or other advisor (such as a Union Representative) who can provide support at any meeting about the concern.

The PIDA states the Regulator of Social Housing (RSH) is the prescribed person for whistleblowing disclosures relating to registered providers of social housing and therefore whistleblowing concerns relating to St Basils can be disclosed directly to the RSH.

St Basils is also a registered charity which means the Charity Commission is also a prescribed person for whistleblowing concerns relating to St Basils.

The contact details for both regulators can be found under the External Contacts section of this policy and on the respective Gov.uk webpages.

General Principles

What is covered: Whistleblowing allows employees to raise concerns which are in the public interest, for example:

- A criminal offence has been/is being or is about to be committed.
- Fraud or corruption.
- The abuse of young/vulnerable residents.
- Any danger to health and safety.
- The taking of payments in exchange for awarding contracts.
- Damage to the environment.
- A person abusing their position for personal gain.
- A person failing to meet appropriate professional or ethical standards.
- A person being discriminated against because of their race, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life.
- Modern Slavery.
- Attempts to hold back or hide any information relating to the above.

Employees cannot be prevented from making a disclosure due to a clause in a settlement agreement, if the disclosure is made in the public interest.

The disclosure must not be motivated by malice or with the aim of gaining an unfair advantage of any kind.

What is not covered: The whistleblowing Policy does not cover matters that are covered by other policies and procedures. Such policies and procedures include the following:

- Staff complaints about their employment. These complaints are dealt with through our **Grievance Procedures**
- Customers' complaints about our service. These are dealt with through our **Complaints Procedure**
- Staff allegations of bullying and harassment that are not because of raising concerns under the whistleblowing policy. These allegations are dealt with through our **Dignity at Work Procedure**

How to make a Whistleblowing disclosure

We have appointed a Designated Whistleblowing Officer (DWO) who is our Company Secretary. Our designated lead board member for whistleblowing is the Chair of the Board or in their absence the Chair of either the Service Delivery and Development Committee or the Business Support and Audit Committee.

Concerns should be raised as early as possible and can be made in person or, preferably, in writing. They should include the background and history of the concern, including relevant dates, and the reason why the situation gives cause for concern. Employees will need to explain, to the person contacted, that there are reasonable grounds for concern however the whistleblower does not need to provide evidence for the concern to be investigated.

Concerns are normally raised internally, initially with a line manager. If the concern is about the line manager or if they are unavailable, the concern should be raised with a member of the Senior Leadership Team (SLT). Whoever the concern is raised with, that person will then escalate the concern to the Designated Whistleblowing Officer for advice and investigation. **However, concerns can be raised directly with the Designated Whistleblowing Officer.**

If the concern is about an Executive Director– contact the Designated Whistleblowing Officer
Zoe.Rossi@stbasils.org.uk

If the concern is about the Designated Whistleblowing Officer – contact the Chief Executive
Jean.Templeton@stbasils.org.uk

If the concern is about the Chief Executive– contact the Chair of the Board
Feizal.Hajat@stbasils.org.uk

If the concern is about the Chair of the Board– contact the Senior Independent Director (SID), whose details can be obtained from the Company Secretary (the SID will usually be the Chair of the Business Support and Audit Committee)

Whistle blowers should request anonymity as early as possible at the time the disclosure is being made if they wish to remain anonymous. We will always take reasonable steps to protect the anonymity of the whistleblower where it is requested, however it should be noted that there may be disclosure requirements under GDPR, other legislation or legal due process. When anonymous disclosures are made, it should be considered that it will be difficult for investigators to ask follow-up questions, for protection to apply and for feedback to be received.

The Designated Whistleblowing Officer will always investigate anonymous concerns. However, the level of information received may constrain any investigation. We will not pursue the investigation if any anonymous concern reveals little or no credible evidence, or it has previously been considered by us. Normally, any disclosure by an employee is made to the employer. If unable or unwilling to do this, the employee can make an external disclosure to the relevant prescribed person (as per the PIDA) or another other professional body or organisation. Details of some relevant organisations for St Basils and their contact email addresses / phone numbers are listed in the external contacts section below.

External Contacts

Regulator of Social Housing - enquiries@rsh.gov.uk

Charity Commission - whistleblowing@charitycommission.gov.uk

Internal Auditors - enquiries@tiaa.co.uk

External Auditors - birmingham@beeverstruthers.co.uk

Police - wmpcc@westmidlands.police.uk

Ofsted – 0300 123 1231

Health and Safety Executive – 0300 003 1647

For impartial advice on Whistleblowing, you can contact the charity Protect on 020 3117 2520 or visit their website <https://protect-advice.org.uk>.

How St Basils will Respond

All concerns will be investigated carefully, thoroughly, consistently and with fairness to all. We will listen to all involved. Disclosures may be subject to independent/external enquiry.

The officer who receives the initial allegation and the nominated investigating officer, normally the Designated Whistleblowing Officer, are responsible for deciding at the earliest opportunity on how they will conduct an initial investigation ensuring it is appropriately informed and documented. Any concerns or allegations that fall within the scope of our other procedures are referred for consideration.

We will acknowledge any concern within **seven days**, with an indication of how we propose to deal with the matter; the likely timescale; and the name of the lead person carrying out the investigation.

Contact between the person raising the concern and the investigating officer will vary dependent upon the nature of the concern, and the need for clarification and more information.

We will inform the person raising the concern of the outcome of the investigation and any proposed actions immediately on conclusion of the investigation. We will inform those that have raised the concern how to pursue the concern further if they are unhappy with the response given by St Basils.

Modern Slavery

Whistleblowing concerns regarding modern slavery and human trafficking with relation to employees, suppliers, partners and any other stakeholder that is not a young person or service user should be raised in accordance with this policy. Modern Slavery concerns relating to young people and St Basils' service users should be raised in accordance with St Basils' Safeguarding policy.

Reference to the Media

Employees have a duty to St Basils not to disclose confidential information however there are some instances where employees may not feel comfortable in raising their concerns with their employer or the relevant prescribed person and may decide to make a 'wider disclosure', for example to the media.

In accordance with St Basils' Media Policy, any employee approaching the media without first disclosing to an appropriate manager and/or the Chief Executive would need to be able to show that:

- a) they had good reason to conclude that such action was necessary and appropriate, and
- b) the organisation had failed to make adequate provision to address the concerns which led them to feel that such a course of action was necessary.

There are also additional requirements under the PIDA when making a wider disclosure, for example to the media, that must be satisfied and a stricter legal test to ensure whistle-blowers remain protected.

Therefore, any employee contemplating making a disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with their line manager or a member of the SLT.

Recording and Monitoring

All concerns identified are logged in the Whistleblowing Logbook by the Designated Whistleblowing Officer, together with the outcome of any investigation. On an annual basis a report of concerns identified, and the outcome of the subsequent investigation will be made to the Business Support and Audit Committee.

Roles and Responsibilities

The Designated Whistleblowing Officer (DWO) role is to:

- advise employees and managers on the interpretation of the Whistleblowing Policy
- support whistleblowers and managers in dealing with a concern or potential concern, acting as central point of contact for the whistleblower and any investigation
- re-assure whistleblowers of the importance of raising concerns internally and the protection available from following the Whistleblowing Procedure
- maintain records of approaches and provide summary information to the Business Support and Audit Committee (BSAC)

Any manager who is approached by an employee with a concern must always:

- Take concerns seriously, without judgement, apology or condemnation
- Consider them fully and sympathetically
- Recognise that raising a concern can be a difficult experience for some people
- Seek advice from their own manager and/or another SLT member as soon as possible, who should then take advice from the DWO at the earliest opportunity.

Training Requirements

Whistleblowing training will be available for all employees, and managers should actively encourage their teams to do the training as soon as possible. Managers and employees can seek further clarification and advice on the policy from their line manager or the Designated Whistleblowing Officer. Other resources will be provided to staff to ensure they have the knowledge and confidence to raise whistleblowing concerns. Training / resources in varying formats can be requested from the Learning & Development team to ensure a fair and consistent understanding and application of the policy across the organisation.

Equality, Diversity and Inclusion (EDI)

St. Basils is committed to creating and maintaining an environment for young people, staff and partners where diversity is embraced and free from all forms of discrimination. This maintained environment should allow for employees to feel empowered, safe and capable and able to raise whistleblowing concerns, regardless of differing characteristics or roles within St Basils.

Communication

This policy will be communicated effectively to all employees via a range of different media avenues and can be produced in other formats where needed.

Policy Responsibility

The Company Secretary is responsible for ensuring this policy is implemented and monitored.

Continuous Renewal Clause

This procedure will be reviewed every 3 years by the organisation to ensure it is in accordance with good practice guidance, prevailing legislation and statutory frameworks. However, this policy may be assessed before that time as necessary – such as:

- if it becomes ineffective
- to reflect substantial changes in practice
- following inspection, as recommended by auditors
- or changes required by law

Disclaimer

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