

Policy Title	Whistleblowing Policy		Version	2
Policy Area	Human Resources		Issue Date	22.06.2022
Author	Name	Smith Crawshaw	Review Period	2 years
	Job Title	People and Culture Manager	Expiry Date	22.06.2024
Policy Approval	Name / Role	Rebekah Smith Deputy CEO		

Objective

Epilepsy Action is committed to creating an open and transparent culture where concerns can be raised and staff are supported and treated fairly. We recognise that employees are often the first to realise that there may be something seriously wrong within an organisation.

The objective of the Whistleblowing Policy is to ensure that if anyone has concerns about things that occur at work there is a safe, fair and effective procedure to enable concerns to be raised. We encourage staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Employees will be listened to and serious concerns will be investigated.

Epilepsy Action takes very seriously any form of misconduct and has introduced this policy to help employees raise concerns at an early stage and in the right way. We would rather that the matter was raised when it is just a concern rather than wait for proof.

If in doubt, please seek advice from the Deputy Chief Executive or People and Culture Manager.

Principles

This policy is based on a number of key principles and anyone raising a concern under this policy will not be at risk of losing their job, suffering any form of retribution, or less favourable treatment as a result. Provided they are acting in good faith, it does not matter if they are mistaken.

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

				
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A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

Roles and Responsibilities

This policy applies to all staff including temporary, Volunteers, casual and agency staff, work experience, trainees and apprentices. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also encouraged to use it.

Epilepsy Action Council of Management and the Chief Executive are committed to this policy and responsible for ensuring it is fully implemented.

It is not necessary for the member of staff to have proof that wrongdoing is being, has been, or is likely to be committed. A reasonable belief is sufficient to disclose the concern. It is the organisation's responsibility to ensure that an investigation takes place.

Line managers are responsible for:

- ensuring all staff are aware of this policy and procedure and their responsibilities
- investigating issues raised promptly and thoroughly
- fostering an open culture within their teams
- ensuring anyone who whistleblows is not subject to detriment
- escalating issues and engaging the support of designated officer/s where required.

The Whistleblowing Procedure

Any member of staff who wants to raise a concern that is potentially of public interest, is encouraged to get legal advice where appropriate such as through their trade union or through the charity Protect – see contact details in the last section.

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1. How to raise a concern

Anyone wishing to raise a concern under this policy can contact the People and Culture Manager, your direct line manager, another manager, the Deputy Chief Executive or the Chief Executive.

The concern can be anonymous and the person raising concerns does not have to prove the allegation, but must demonstrate that there are sufficient grounds for concern.

If having taken these steps the person still has concerns, or if they feel that the matter is so serious that they cannot discuss it with any of the above, they may contact the Chair of the Council of Management or the Vice-Chair. If the member of staff wants to raise the matter in confidence, they should say at the outset.

Confidentiality will be maintained as far as is possible and will follow legal requirements. The whistleblower's identity will not be disclosed without consent unless there are legal reasons to do so, for example, information about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. In such cases Epilepsy Action may have to tell the police or another official body, or be asked to disclose by a court.

If the concern is made anonymously we may not be able to contact the person to discuss their concern, ask them for further information or give any feedback about any action taken.

2. Investigating the Concern

Any approach to line managers will be treated with the strictest confidence and the member of staff's identity will not be disclosed without their prior consent. All members of staff will be treated with respect at all times.

When any meetings are arranged with an employee who has made a protected disclosure, they have a right to be accompanied by a trade union representative or colleague. The meeting can be off site if requested.

When an individual makes a disclosure, the organisation will process any personal data collected as part of the investigation in line with the Data Protection Policy on People HR, ensuring the data is stored securely and only accessed by individuals essential for dealing with the disclosure.

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Within five working days of a concern being raised, the person who received the disclosure will write with the following:

- acknowledgement that the concern has been received, the date, whether confidentiality was requested, and a summary of the concern
- indicating how the matter will be dealt with, by who, and how they can be contacted
- telling the person when an investigation has or is to be started and if further assistance will be needed
- how long to expect the investigation to take and how will update on progress.

Where it is not possible to resolve the matter quickly (usually within a few days) with the line manager, someone suitably independent will carry out an investigation.

The investigation will be objective and evidence-based, identifying any issues and lessons to prevent problems recurring. The investigator may decide that the concern would be better looked at under another process, such as the grievance procedure, or dignity at work procedure. If so, this will be discussed with the whistleblower.

In the event that misconduct is discovered the disciplinary policy and procedure will be invoked in addition to any external measures.

Wherever possible the full investigation report will be shared with the whistleblower (while respecting the confidentiality of others). If no action is to be taken, the reason for this will be explained.

If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to Chair of Council who will arrange any further investigation as they think appropriate.

More serious disclosures may be referred to an external person or body and may form the subject of an independent inquiry. Where possible trade union representatives will be consulted on the drawing up terms of reference for an inquiry panel.

				
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Harassment and victimisation

We will not tolerate harassment and victimisation of anyone considering raising a concern or raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training. Any such behaviour is a serious breach of our values as an organisation and could result in disciplinary action potentially leading to dismissal.

This policy encourages members of staff to put their name to their concerns. Concerns expressed anonymously are harder to follow up and have an effective outcome.

If a member of staff makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff.

Reporting a concern to an external body

This policy is intended to provide a route by which members of staff can raise concerns internally. However, if an employee is unhappy with the outcome of an investigation or if, for any reason they do not feel comfortable raising their concern internally, they are free to take the matter outside of the organisation to a prescribed person or body, or to their Member of Parliament (MP).

The full list of prescribed persons and bodies can be found on the UK government website at www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies. They include

- HM Revenue & Customs
- the Comptroller and Auditor General
- the Director of the Serious Fraud Office
- the Charity Commission for England and Wales
- the Information Commissioner
- the Equality and Human Rights Commission

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- the Health and Safety Executive
- the Care Quality Commission
- the Environment Agency.

More information and support

Protect is the UK’s whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. They provide a legal advice service we offering free expert and confidential advice on how best to raise a concern and protection as whistleblower.

<https://protect-advice.org.uk>

Protect Advice Line: whistle@protect-advice.org.uk

Protect Advice Line: 020 3117 2520 (* option 1)

Government advice on ‘Whistleblowing for employees’

www.gov.uk/whistleblowing

Acas guidance on ‘Whistle-blowing – Public Interest Disclosure’

<https://archive.acas.org.uk/index.aspx?articleid=1919>

Confidential support is available for individual employees from the employee assistance programme and this may include counselling in addition to practical information and advice.

Review

All policies will be reviewed on a regular basis, in line with legislation changes or at the discretion of the management team, to ensure good practise and compliance with relevant legislation.

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1			
2			

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3			