

# Whistleblowing

## Policy and Procedure

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| Policy Reference: <b>FIN 15.01</b>  |                                    |                                          |
| Issue Date:<br><b>December 2025</b> | Last Reviewed:<br><b>July 2024</b> | Responsible:<br><b>Company Secretary</b> |

### SECTION A: POLICY

#### 1. INTRODUCTION

- 1.1. The Epilepsy Society is committed to achieving high standards of service and ethics in all of its practices. Our Code of Conduct sets these out. Our overall aim is to promote a climate of openness and a safeguarding culture in which people feel safe and able to raise concerns in a reasonable and responsible way, without fear of victimisation. This underlines our commitment to safeguarding adults. To help achieve this, employees, workers (e.g. bank or agency), volunteers and Trustees are encouraged to report any poor practice or omissions or illegal acts by its employees or officers.
- 1.2. We embrace the UK Public Interest Disclosure Act 1998 (PIDA) which protects the right of an individual to raise concerns about malpractice in the workplace, such as criminal activity, breach of legal obligation, endangering health and safety, without fear of dismissal or other penalty. The Epilepsy Society will also comply fully with its responsibilities under the Duty of Candour.
- 1.3. This policy provides the internal channels to enable anyone to raise genuine concerns safely, at an early stage and in the appropriate way. All genuine concerns raised will be taken seriously and dealt with responsibly, professionally and in a timely way to protect the interests of the people we support, employees and the Epilepsy Society. In addition, this document aims to provide guidance and support to anyone wishing to make a disclosure.
- 1.4. The Epilepsy Society recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Those raising concerns can be assured that the Epilepsy Society does not tolerate harassment or victimisation and will take action to protect them from retribution or other penalty when an individual raises a concern in good faith.
- 1.5. If you raise a concern, but it is not upheld once investigated, no action will be taken against you except where you knowingly make malicious or vexatious allegations when disciplinary action may be taken against you.

## **2. POLICY SCOPE**

2.1. This policy and the associated procedures apply to all employees, volunteers, bank and agency workers, self-employed contractors and Trustees working within the Epilepsy Society.<sup>1</sup>

2.2. If something is troubling you that you think we should know about or look into, please use this policy. Concerns to be raised under this policy include:

- Any form of abuse which causes harm to the people we support or to employees including abuse through neglect
- Criminal Activity
- Failure to comply with any legal or professional obligation or regulatory requirement
- A Health & Safety Risk to the public or employees or to people we support
- Bribery
- Financial Fraud or mismanagement
- Negligence
- Conduct likely to damage the reputation of the Epilepsy Society
- Unauthorised disclosure of confidential information
- Other unethical conduct
- The deliberate concealment of any of the above matters

2.3. If, however, you wish to make a complaint about your employment or how you have been treated, one of the following policies may be more appropriate:

- Grievance Policy
- Bullying and Harassment Policy
- Equality and Inclusion Policy

If you are unsure which policy does apply please contact HR on extension 1447 for advice and guidance.

## **3. DEFINITIONS**

3.1. Disclosure – commonly known as ‘whistleblowing’. A disclosure is a serious condition or event that comes under the provisions of the UK Public Interest Disclosure Act 1998 (PIDA) which may or may not have a direct or indirect impact on the person raising the disclosure. The act of making a disclosure is commonly referred to as ‘whistleblowing’.

Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

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<sup>1</sup> This policy document is available in other languages or formats should this be required. Contact [company.secretary@epilepsysociety.org.uk](mailto:company.secretary@epilepsysociety.org.uk).

**For example:**

A 'qualifying disclosure' could be a disclosure about:

- Criminal offences
- Failure to comply with a legal obligation
- An act or omission likely to endanger an individual's health and safety
- Safeguarding concerns
- A miscarriage of justice
- Environmental damage
- A deliberate attempt to cover up any of the above

- 3.2. The Public Interest Disclosure Act 1998 protects whistleblowers from detrimental or unfavourable treatment and victimisation from their employers and co-workers after they have made a qualifying disclosure of a concern in the public interest.
- 3.3. The Act covers all workers including those on temporary contracts or supplied by an agency, and trainees. It should be noted, however, that PIDA does not cover volunteers. However, we will treat volunteers in the spirit of the Act even though we are not obliged to do so.
- 3.4. Duty of Candour is defined as "the volunteering of all relevant information to persons who have or may have been harmed by the provision of services, whether or not the information has been requested and whether or not a complaint or a report about that provision has been made." (Francis Enquiry Report, 2013)

## **SECTION B: PROCEDURE**

### **4. GUIDANCE FOR EMPLOYEES**

#### **4.1. Guidance for Employees:**

Read this policy to identify what concerns are covered and who to raise concerns with.

- It may help to refer to the Epilepsy Society's Code of Conduct for guidance around the standards that we expect from employees
- Raise the concerns immediately or at the earliest opportunity
- Think about whether the concern can be discussed in an informal way e.g., 1-2-1's, team meetings
- Check this policy to see who to raise your concerns with
- Try to resolve issues internally, within the organisation, first if you can
- When reporting, focus on obtaining as much specific, factual evidence as possible
- Try to present the situation as clearly as possible, either verbally or in writing, and provide as much detail as possible
- Check out the process and what will happen next
- Maintain confidentiality

If you at all unsure how to proceed, contact HR on extension 1447 for advice and guidance.

4.2 The employee assistance provider can provide counselling and information to employees. They are available 24/7 by contacting 0800 756 0834 or by downloading the Wisdom App and using the code RGER-Wisdom.

4.3 You can also get further information relating to this policy from your line manager or a member of the HR team.

## 5. RAISING A CONCERN

5.1 If something is concerning you, you are urged to raise it straight away through one of the Levels below. We prefer that you raise the matter promptly rather than to stay silent or wait until something more serious happens.

5.2 For a disclosure to be protected by the law it should be made to the right person and in the right way. The person making the disclosure must reasonably believe:

- That the information is substantially true
- That they are making the disclosure to the right person
- That the disclosure is in the public interest

5.3 Level 1: Raise your concern with your manager

You are encouraged to share your concern with your manager in the first instance. Your manager will discuss your concerns with you in confidence, arrange for investigations to take place, ensure relevant details of the issue are reported centrally to HR for monitoring purposes and attempt to resolve the matter as quickly as possible. When raising a concern this could be done face-to-face or in writing.

5.4 Level 2: Contact HR

If you don't feel able to raise the concern directly with your manager or where the concern relates to the actions of your manager or another manager, you should contact HR on extension 1447 for advice and guidance. They will arrange for an appropriate investigation to take place.

Alternatively, if an employee believes in good faith that raising concerns with HR will not resolve the matter, the employee can contact the Company Secretary [company.secretary@epilepsysociety.org.uk](mailto:company.secretary@epilepsysociety.org.uk).

5.5 Level 3: Contact the Epilepsy Society's confidential Whistleblowing Line on:

**01494 601304.**

This number is only used for this purpose and is monitored by the Company Secretary. Details of messages received via the Whistleblowing Line are recorded to ensure that all messages are followed up accordingly.

When a concern is raised via any channel, the relevant Director will be notified, unless the concern involves them.

## 5.6 Level 4: Contact Board of Trustees

If you don't feel able to raise your concerns internally, or if your concern relates to the Management Board or Chief Executive and you would like to contact a Member of the Board of Trustees, in confidence, this should be done via the Company Secretary who will forward your concern to the relevant member of the Board and ensure you receive an appropriate response. Please email – [company.secretary@epilepsysociety.org.uk](mailto:company.secretary@epilepsysociety.org.uk).

## 6. INVESTIGATION

- 6.1 A manager or external investigator will usually be appointed by the relevant Director to carry out the investigation. The appointed manager will complete a thorough fact-finding investigation which will be fully documented and will include recommendations for any follow up actions that may be appropriate. As part of the investigation, witnesses could be interviewed, and relevant documentation will be reviewed.
- 6.2 All investigations will be completed in a timely manner and where possible the person raising the concern will be kept informed about expected timescales for completion.
- 6.3 Where allegations potentially constitute gross misconduct, suspension of the employees will be considered. For further details of what constitutes gross misconduct and the process that will be followed when suspension is appropriate, please refer to the Disciplinary policy and procedure.
- 6.4 Where the allegations relate to safeguarding concerns, the relevant agency/ies will be notified at the earliest opportunity except where advised by the police not to do so.
- 6.5 Where possible, once the investigation has been completed the person who raised the concern will be provided with a written outcome. It is important to note that due to confidentiality, this outcome may not disclose specific details of all the actions taken as a result of the investigation but will include relevant information that is appropriate to share.
- 6.6 At all stages of the procedure, we are committed to listening, acknowledging, considering all of the facts, and acting speedily to resolve the issues raised.

## 7. ANONYMOUS CONCERNS

- 7.1 You are encouraged to put your name to any issues raised under this procedure to assist with the investigation process as anonymous allegations can be difficult to substantiate/prove. If you feel you have to raise a concern anonymously, you are encouraged to provide as much detail as possible to enable your concerns to be investigated. The Epilepsy Society reserves the right to decline to investigate anonymous allegations if insufficient information is provided, where we can foresee no practical outcome, and/or we are unable to provide any constructive feedback to potential concerns, and in certain other limited circumstances.

- 7.2 The Epilepsy Society will do its best to protect your identity when you raise a concern, and you wish to remain anonymous. The Epilepsy Society will exercise its discretion in deciding whether to investigate an anonymous allegation and will take into account the seriousness of the issues raised and the likelihood of being able to confirm the allegation from attributable sources. The more you tell us the more likely we will be able to protect your position and give you feedback. Limits to confidentiality may be affected under the following circumstances:

- During legal proceedings
- Subsequent disciplinary action and
- Police investigations and proceedings.

- 7.3 In cases where your anonymity is maintained, it is important to remember that any submission must be factual and personal feelings should be avoided. Comments that would be defined in law as libellous and defamation of a person's character must be avoided.

- 7.4 Protection against detrimental treatment

Employees who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, that arises because they have made a disclosure.

## **8. RAISING CONCERNS OUTSIDE OF THE ORGANISATION**

- 8.1 In line with national guidance, we encourage you to use any of the above avenues to raise a concern, however, we recognise that there may be times when where you feel unable to use any of the channels described above e.g. If you consider that your concerns are not being taken seriously or you feel that raising a concern may place you in a vulnerable situation. In these circumstances the following external channels are available:

### **Care Quality Commission**

The helpline telephone number is **03000 616161**. Alternatively, you can email them on [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk). For guidance on making a complaint to the CQC visit <http://www.cqc.org.uk/contact-us>

### **The National Whistleblowing Helpline 0800 724 725**

This helpline provides independent confidential advice. Alternatively you can email the helpline at [enquiries@wbhelpline.org.uk](mailto:enquiries@wbhelpline.org.uk), or complete the on-line form at <http://wbhelpline.org.uk/contact-us>.

### **Public Concern at Work Advice Line on 020 7404 6609**

PCAW offer free, confidential practical and legal advice if you have witnessed serious wrongdoing, risk or malpractice in the workplace which is or could be a threat to others (customers, employees, or the general public) and you want to raise the issue as a concern to your employer or to an independent body.

### **Health and Safety Executive on 0300 0031647**

The helpline is open during office hours. Alternatively, you can check their website at <http://www.hse.gov.uk/contact/concerns.htm>

### **The Charity Commission**

If you need advice about blowing the whistle on a charity call Protect's free and confidential advice line on 020 3117 2520. Alternatively, you can check their website at <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

### **The Fundraising Regulator**

The Fundraising Regulator investigates complaints about charitable fundraising:

- Where these cannot be resolved by organisations themselves; or
- Where it has caused, or has the potential to cause, significant public harm.

You can complete their [online form](#) or contact us them by emailing [complaints@fundraisingregulator.org.uk](mailto:complaints@fundraisingregulator.org.uk) or calling 0300 999 3407.

## **9. RESPONSIBILITIES**

9.1 We are **all** responsible for ensuring that we always deliver a high level of service in line with internal and external requirements. If anyone witnesses poor practice, they must raise this at the earliest opportunity with the appropriate manager, giving full details of the matter.

9.2 Managers are responsible for:

- Demonstrating high personal standards of behaviour, leading by example, and encouraging employees to follow suit
- Ensuring they have a thorough understanding of this policy and procedure and are able to explain it to employees
- Raising awareness of the Epilepsy Society's values and what is regarded as acceptable and unacceptable behaviour
- Informing employees of their personal responsibility for respectful treatment of the people we support and fellow employees at all times
- Promoting a culture of openness, mutual respect and transparency where employees are encouraged to admit mistakes rather than concealing them so that they can be remedied
- Supporting and encouraging workers to raise concerns at the earliest opportunities, instilling confidence in employees to be open about their concerns
- Ensuring concerns raised are treated seriously and within the agreed bounds of confidentiality
- Ensuring a thorough investigation is completed into allegations raised under this procedure
- Taking appropriate action is taken in relation to the specific concern

- Identifying, implementing and communicating any learning points and preventative measures within the organisation
- Informing the Company Secretary immediately if any concern is raised so it can be added to the central record and monitored<sup>2</sup>. All concerns raised must also be reported to the Chief Executive except where the issues relate to the Company Secretary or Chief Executive personally in which case the alternate is Andy James, Chief Financial Officer, [andy.james@epilepsysociety.org.uk](mailto:andy.james@epilepsysociety.org.uk). All records will be anonymised and are only for the purposes of tracking concerns in order to ensure actions are taken appropriately and learning is embedded.

### 9.3 Employees are responsible for:

- Treating the people we support, their families and fellow colleagues with respect at all times.
- Respecting the rights of others to raise genuine concerns without fear of intimidation or victimisation.
- Reporting any concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour. It is also a serious failure of responsibility if employees fail to raise concerns, ignore them or cover them up. This may result in disciplinary action.

### 9.4 The Company Secretary is responsible for:

- Ensuring this policy and procedure is reviewed and updated to be compliant with current legislation and best practice
- Providing advice and support to managers and employees relating to this policy and procedure
- Recording centrally all concerns raised and ensuring all records will be anonymised and are only for the purposes of tracking concerns.
- Monitoring disclosures to identify trends and issues with reports to Management Board. All references to individuals in the reports will be anonymised.
- Ensuring the impact of this policy on equality and human rights is assessed and acted upon as necessary

## 10. EQUALITY AND INCLUSION

- 10.1 Equality is one of our core values and we are committed to providing high-quality person-centred services to all who need them, reflecting and responding to the diversity of the communities we serve.
- 10.2 We will treat everyone who works for or with the Epilepsy Society or who uses our services with dignity, equality, respect, fairness and autonomy and challenge discrimination wherever it arises. We will foster an environment in which everyone is valued equally and supported so they can participate with confidence.
- 10.3 We will promote equality in all that we do and through the work we do in partnership with others.

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<sup>2</sup> If a Trustee receives a whistleblowing complaint or a concern they must also refer this to the Company Secretary.



10.4 This philosophy is reflected in the way we deal with concerns raised. We will:

- Give any employees implicated in any allegations the opportunity at any stage of the procedure to be accompanied by an appropriate person to provide support
- Use independent managers (and where necessary, external investigators) to make discreet investigations to ensure fairness and objectivity.
- Maintain confidentiality wherever possible

## **11. OTHER PROCEDURES**

11.1 If an employee raising a concern through the Whistleblowing Policy is already the subject of another formal procedure such as the Conduct, Performance Improvement or Redundancy procedures, those procedures will not be halted as a result of the Whistleblowing, unless it is directly related to allegations made. In such circumstances the manager(s) who are dealing with these issues should seek advice from HR before progressing with either of these procedures.