



Whistleblowing Policy

01/12/2023

1. Document Control

Version Control

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1	Head of HR & OD	01/12/2023	Policy Review

Approval Control

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1	PSPS Board	PSPS Board	18/12/2023	December 2026

Policy Governance

Responsible	Head of HR & Organisational Development
Accountable	PSPS Board & Chief Executive
Consulted	PSPS Staff Representation Group Trade Union - Unison
Informed	PSPS Employees

2. Policy Overview

This policy applies to all employees within PSPS, members of its governing body, contractors, and suppliers. The policy provides employees with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentially.

PSPS acknowledges its duty to conduct its affairs in accordance with high standards of integrity, propriety, accountability and openness, taking full account of the recommendations of the Committee on Standards in Public Life and the requirements of regulatory bodies, as well as in line with the Company's values of professionalism, one team, innovation, supportive and excellence.

This procedure is intended to promote throughout PSPS a culture of openness and a shared sense of integrity, by inviting all employees to act responsibly to uphold the reputation of PSPS and maintain public confidence by demonstrating PSPS's Mission, Focus and Values.

Introduction

The term 'Whistleblowing' means the reporting by employees of suspected activity that is deemed illegal immoral, illicit, unsafe or fraudulent. The aim of this policy is to encourage and support employees who raise genuine concerns about any aspect of the Company's business.

Employees are often the first to realise that there may be something seriously wrong within the Company that they are employed by and as such an employee may feel that they are unable to express their concerns because they feel that speaking up would be disloyal to their employer or may fear harassment or victimisation.

In these circumstances it may seem easier for an employee to ignore their concerns however PSPS encourages employees to raise genuine and serious concerns about malpractice in the workplace at the earliest practicable stage.

If the concern relates to a personal grievance that is not in the public interest (for example, an allegation of bullying or harassment, or an allegation that their contract of employment has been breached), this should be raised under our separate Fairness at Work Policy.

If they are unsure about whether the concerns are best dealt with under the Whistleblowing Policy or Fairness at Work Policy, please speak to a member of the HR Team for further advice, if the concern relates to a member of the HR team, the employee should speak to their Head of Service for guidance.

Although the law does not require employers to have a 'Whistleblowing Policy' in place, PSPS has introduced a 'Whistleblowing Policy' to support its commitment to listen to the concerns of its employees and foster an open, transparent and safe working environment where employees feel able to speak up and bring concerns to the attention of the Senior Leadership Team rather than overlooking a problem.

Employees who wish to raise any Whistleblowing concerns in respect of any alleged wrongdoing within the client Councils, should refer to the relevant council Whistleblowing policy. If employees need assistance accessing these policies, please contact PSPS HR team or Head of HR.

Policy Commitment

This policy sets out a process whereby PSPS employee's, members of its governing body, contractors and suppliers who have concerns about malpractice within PSPS may raise those concerns at a high level within the Company, outside of normal line management, and without fear of detriment.

The procedure also seeks to balance the need to provide safeguards for employees who raise genuine concerns about malpractice against the need to protect other employees, and members of the Governing Body, and PSPS against uninformed or vexatious allegations.

Responsibilities

Role	Responsibility
Employee	To raise concerns providing they have reasonable belief that malpractice and/or wrongdoing has occurred
People Managers	To ensure their team are aware of the policy and its application, and for creating an environment in which their team can express concerns freely without fear of reprisal
Human Resources	To provide advice, guidance & support in meetings where required.
Commissioning Manager	Will undertake all activities identified in this policy of the commissioning Manager. In most cases this will be the Head of HR & OD, but for cases related to HR or the Head of HR & OD this will be an alternative member of the Corporate Management Group – Head of Corporate; Chief Finance Officer; Chief Delivery Officer.

3. What is Whistleblowing?

Whistleblowing is the term used when an employee passes on information concerning wrongdoing. This is called “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, an employee who makes a disclosure must hold two reasonably beliefs. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second is that an employee must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences including cyber-crime (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law.

- acts that threaten or have the potential to damage the physical and logical security of the Company.
- acts that threaten or have the potential to threaten information or information systems.
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

Whistleblowing law is in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for an employee to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

It is not necessary for the employee to prove the wrongdoing. However, to be protected by whistleblowing laws against detrimental treatment or dismissal, they must reasonably believe that wrongdoing (related to one of the categories listed above) is being, has been, or is likely to be committed and that disclosure is in the public interest.

4. Raising a Whistleblowing Concern

If you have a genuine concern relating to any type of wrongdoing that is covered under this policy, the employee should raise it with their People Manager. If your concern relates to the People Manager, or for any reason they do not wish to approach their People Manager, the employee should raise the concern with the Head of HR & Organisational Development by contacting HR@pspsl.co.uk. And should concerns relate to HR or the Head of HR & OD, employees can raise with a member of Corporate Management Group 'CMG' (Head of Corporate Services; Chief Finance Officer; Chief Delivery Officer).

The employee can raise their concern verbally, or in writing. It is important that it is sets out clearly:

- the details of the suspected wrongdoing
- the names of any individuals involved.
- and what action (if any) they are seeking

In some cases, it may be necessary to ask the employee to attend a meeting to clarify the nature of the concern. This will be arranged as soon as possible. The employee, if they wish, can bring a workplace colleague or a trade union representative to the meeting. Where it is considered appropriate, a member of the HR Team may also be present.

5. Responding to Whistleblowing Concern

The Head of HR & Organisational Development will decide if an investigation is required (and for cases related to HR a member of CMG will make that decision) this will be the commissioning manager. If an investigation is required, an Advanced Investigating Officer will conduct it. The employee will be informed in writing that PPSPS are investigating.

The Chief Executive will be notified about any 'whistleblowing' allegations, unless it is inappropriate to do so due to a conflict of interest. In the alternative, an external HR support will be appointed to provide guidance and support to the Chair and Board Directors in line with policy.

The person or persons against whom an allegation is made will be informed in writing and of the evidence supporting it and will be given the full opportunity to offer to disprove, explanation or mitigation before the investigation is concluded.

6. Investigations and Outcomes

An Advanced Investigating Officer will be appointed - PSPS will ensure that the investigation is not carried out by any person with any involvement in the matter disclosed, or who might ultimately have to reach a decision in the matter.

The Advanced Investigating Officer will offer to interview, in confidence, the person making the disclosure. Such an interview will take place as soon as practicable after the initial disclosure. The purpose of the interview will be to obtain as much information as possible about the grounds for the belief of malpractice and the strength of the available evidence, to clarify the 'public interest' aspects of the disclosure, and to consult about further steps which could be taken.

The person or persons against whom an allegation is made will be told of it and of the evidence supporting it, and will be given full opportunity to offer refutation, explanation or mitigation before the investigation is concluded.

The individual making the disclosure may be accompanied by an appropriate person, such as a fellow work colleague or trade union representative. The Advanced Investigating Officer may be accompanied by an administrative assistant to take notes. The notes will not identify the person making the disclosure.

The level of investigation and time this will take will vary depending on the nature of the suspected wrongdoing.

The Commissioning Manager will receive from the Investigating Officer a written report setting out their conclusions and recommendations for further action. The Advanced Investigating Officer will advise the Commissioning Manager if it is their belief that the whistleblowing procedure is appropriate, that there is a public interest in the matter(s) and that there are sufficient grounds for proceeding further. The Commissioning Manager will liaise with appropriate members of PSPS as to the implementation of any recommendations.

The Commissioning Manager shall decide on the nature of the investigation of the allegations. This may be an internal investigation by PSPS; or referral of the matter to the police or other appropriate public authority; or the commissioning of an independent enquiry.

A formal account of the investigation and outcomes shall be made to the Board.

If the Advanced Investigating Officer decides that the whistleblowing procedure is not appropriate in respect of the matter disclosed, then they shall inform the discloser in writing, as quickly as possible after completion of the investigation, outlining the reasons.

This could be on the grounds:

- that the matter should be, is already or has already been the subject of appropriate proceedings under one of PSPS's other procedures relating to employees; or
- that it is already the subject of legal proceedings, or has already been referred to the police or other public authority; or

- that there does not appear to be sufficient evidence, or the reasonable prospect of sufficient evidence being found, to substantiate the allegation(s) of malpractice; or
- of reasonable doubt as to the discloser's reasonable belief about the alleged malpractice and/or about its relation to the public interest.

If the discloser is not satisfied with the decision, then they may ask the Head of HR & Organisational Development (or where relates to Head of HR & OD a member of Corporate Management Group) to nominate an independent member of the Board who will review the matter of the disclosure, the information and evidence presented, the process followed by the 'reportee' and the grounds for the 'reportee's' decision.

If the independent member of the Board decides that the matter should be reviewed under the whistle-blowing procedure, then PSPS shall direct a second Advanced Investigating Office' to review the 'disclosure'.

If the independent member of the Board decides to uphold the view of the 'original reportee' then no further action will be taken under PSPS's processes. The discloser may then consider whether to refer the allegations of malpractice to an external agency.

7. Confidentiality

PSPS wants employees to feel comfortable about raising a whistleblowing concern openly and actively encourage them to do so, we strongly encourage employees to seek support which available through the Employee Assistance Programme.

Where an employee raises a whistleblowing concern openly, PSPS will maintain confidentiality as far as possible. If PSPS needs to identify the employee to anyone, we will notify the employee beforehand.

We encourage anonymous reporting over remaining silent. Although we will investigate any concern that is reported anonymously as best as we can, an anonymous report is likely to be more difficult to investigate and we will not be in a position to provide any feedback.

Employees should be made aware that whistleblowing anonymously means it can be more difficult for them to qualify for protection as a whistle-blower. This is because there would be no documentary evidence linking the employee to the disclosure for the employment tribunal to consider.

8. PSPS Commitment

Employees have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because they have raised a whistleblowing concern.

If an employee raises a whistleblowing concern in accordance with this policy, the Company will ensure that they are treated with respect and provided with adequate support and protection.

If an employee is told not to raise or pursue a whistleblowing concern, or they believe that they have been subjected to detrimental treatment because they have raised a whistleblowing concern. This should be reported to Head of HR & Organisational Development by contacting HR@pspsl.co.uk (or if not appropriate to raise with the Head of HR & OD to raise with a member of CMG. In the alternative, the employee can raise it under our Fairness at Work Policy if it applies to them.

Any such behaviour will not be tolerated and will be treated as a disciplinary offence under the PSPS Disciplinary Policy

If the Company find that an individual has knowingly raised false allegations, this will also be treated as a disciplinary offence under the PSPS Disciplinary Policy.

9. Raising Whistleblowing Concerns Externally

This Policy is intended to provide employees with an avenue to raise concerns internally. The Company hopes the employee will be satisfied but if they are not, and if they feel it is right to take the matter outside the Company, the following are possible contact points:

- Whistleblowing Hotline
- External audit
- Relevant professional bodies or regulatory organisations
- A Solicitor
- The Police
- Your Trade Union Representative

Employees should seek advice before thinking of raising their concern with the media as they will not have protection under whistleblowing laws unless certain conditions are met.

10. Further Guidance

If an employee needs further guidance or support, they can contact The Employee Assistance Programme for free confidential advice, the whistleblowing charity Protect via <https://protect-advice.org.uk/> or Citizens Advice.

11. Review

It is recommended that this Policy be reviewed at least once every 3 years.