



# Whistleblowing Policy and Procedure

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<b>Author</b>	Andy Barton	<b>Ref and Document Version</b>	Whistleblowing Policy and Procedure V5_MB190923
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## 1. Introduction

1.1 The Greenbank Project is committed to the highest possible standards of openness, probity, and accountability. In line with this commitment Greenbank expects all members of the organisation who have serious concerns about any aspect of the charities work to come forward and voice those concerns.

1.2 A person who raises a concern is protected by the Public Interest Disclosure Act 1998 which is incorporated into the Employment Rights Act 1996 providing that they have reasonable belief that the complaint is made in the public interest. This legislation protects workers from victimisation, discrimination or disadvantage when they voice legitimate concerns, and their actions are not unlawful or contravene other forms of legislation.

## 2. Purpose

2.1 The purpose of this policy and procedure is to ensure that individuals know how to raise a concern, feel confident in raising concerns and where concerns are raised, reassures them that the concern will be dealt with in confidence, and they will be protected from victimisation, discrimination or disadvantage.

2.2 This policy and procedure does not cover matters which are covered by other existing procedures e.g., Grievance Procedure, Disciplinary Procedure, Dignity at Work Procedure, Greenbank Complaints Procedure etc.

## 3. Scope

3.1 This policy and procedure applies to:

- All employees who are employed by, or under, The Greenbank Project Board of Trustees.
- All members of the Board of Trustees.
- Other individuals involved in providing services to the charity and partner organisations.

3.2 This Policy and Procedure covers serious concerns such as:

- Possible fraud, bribery, corruption and tax evasion and money laundering.
- The unauthorised use of public funds.
- Failures to comply with Standing Orders & Financial Regulations.
- A criminal offence being committed (past, present or likely to be committed).
- Disclosures related to miscarriages of justice.
- Damage to the environment.
- Failure to comply with a legal obligation

- Child protection issues
- Health and safety risks (including risks to the public as well as others of the projects community) if reported and not acted upon
- Unauthorised use of public funds
- Sexual, physical or other abuse of others
- Other unethical / criminal conduct including activity which amounts to modern slavery
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.
- Any attempt to prevent disclosure of the above.

## 4. Principles

4.1 No Individual will be subject to victimisation or other detriment by reporting concerns which they believe to be true.

4.2 Any concerns reported will be taken seriously and investigated.

4.3 Individuals are encouraged to raise concerns as soon as possible.

4.4 Disclosures made under this procedure will be treated seriously and sensitively, and where appropriate and possible, confidentially. Requests for anonymity, where made, will be considered, but there may be circumstances where anonymity cannot be granted, for example in relation to prosecutions or disciplinary investigations where the individual may be required to provide witness evidence.

4.5 Any person who is the subject of a whistleblowing allegation has legal rights which may be exercised and are independent of the charity.

4.6 Any person raising a concern must have a reasonable belief that it is in the public interest in line with Section 17 of the Enterprise and Regulatory Reform Act 2013. They must also believe that there are reasonable grounds for the concern and will be encouraged to co-operate with any investigation.

Examples of public interest concerns are included at paragraph 4.2.

4.7 Concerns which fall within the scope of other procedures (e.g., employee grievances or general complaints) will be referred for consideration under those procedures.

4.8 All employees have a duty of confidentiality to the charity. Where employees make external disclosures of information to the press or other media, disciplinary action may be taken.

4.9 Employees may take legal action independent of the charity. This includes the person who is the subject of the complaint, the complainant and the charity

## **5. WHISTLEBLOWING PROCEDURE**

### **Raising a concern**

5.1 For employees, the first step is to raise any concern with their line manager.

5.2 If the employee feels that the concerns involve their line manager they should speak to the CEO. If the concern involves the CEO or a member of the Board of Trustees, other than the Chair of the Board, they should raise the concerns with the Chair of the Board of Trustees. If the concern involves the Chair of the Board of Trustees they should raise this with the Deputy Chair of the Board of Trustees. The Board of Trustees should consider a Whistleblowing Officer at Board level to deal with any concerns raised involving the Chair or Deputy Chair of the Board of Trustees.

5.3 When raising a concern individuals should provide as much information as possible including:

- The background and history of the concern (including relevant dates, times, names, places, etc.)
- The nature of the concern (examples are given in 3.2)
- The reason why they are particularly concerned about the situation.
- The names of any colleagues/employees who are considered to be either directly involved or who can help with further information.
- Any other background information e.g., lists of documents, etc.

5.4 Concerns should be raised in writing within 5 working days of the conversations held under paragraphs 5.1 and 5.2.

5.5 All anonymous concerns will be treated seriously, however without contact details it may be difficult to clarify information, gain additional information or carry out an investigation.

5.6 Although it is not expected that individuals are able to prove allegations beyond reasonable doubt any allegations must be based on the reasonable belief of the person making the disclosure.

5.7 Any whistleblowing disclosures or allegations made by members of the public should be handled in the same way as those made by employees.

### **How The Greenbank Project will respond**

6.1 The action taken by the charity will depend on the nature of the concern raised and will normally be investigated internally by the charity. However, in appropriate cases the concerns may be referred to the local authority, a regulatory body or the Police in criminal matters.

6.2 In order to protect the whistleblower, the charity and those accused, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take, and who should conduct it.

6.3 The overriding principle which the charity will have in mind is the public interest.

6.4 Concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any investigation is conducted.

6.5 Where the individual raising the concern has provided contact details the person receiving the concern will send an acknowledgement within 10 working days. If it is possible to say at this stage how the matter is to be dealt with, then more information may be provided, however since investigations often involve maintaining confidentiality, it may not be possible to disclose any further information.

6.6 Concerns or allegations, which fall within the scope of other procedures, for example complaints or grievances, will normally be referred for consideration under those procedures. In addition, issues initially raised within the Whistleblowing Procedure may also be dealt with within the Disciplinary Procedure. This is in order to protect individual(s) and those accused of misdeeds or possible malpractice.

6.7 If an investigation is to be undertaken an appropriate investigating officer will be appointed, which may be the person who received the concern. Where the individual has provided contact details, an investigation interview should be undertaken unless not required by the whistleblower. The investigating officer will meet with the individual to gather as much information as possible. Where the complainant is an employee, they will be entitled to representation by a trade union rep or colleague. The investigating officer will inform the individual what steps will be taken and potential timescales for the investigation to be completed. If the matter does not fall under the whistleblowing policy, they will be informed how the matter will be taken forward.

6.8 Employees who are the subject of a whistleblowing concern which is being investigated, may be contacted by the Investigating Officer and a formal investigation will be carried out and the employee has a right to representation by a trade union representative or colleague. This is to ensure that the investigation is fair and open. The details of any concerns raised which are discovered to be untrue will not be kept on the employee's file.

6.9 The investigating officer will consider all the evidence and make a recommendation to the Board of Trustees / Chief Executive.

6.10 The Greenbank Project accepts that those raising concerns need to be assured that the matter has been properly addressed, therefore subject to legal constraints, information will be provided on the outcome of any investigation, to the whistle blower, as long as contact details have been provided.

6.11 Possible outcomes include the following:-

- No further action.

- Disciplinary action within The Greenbank Project disciplinary procedure or any other HR procedure applicable to the circumstances.
- Referral to a regulatory body, other authority or the police.
- Training, development and/or a review of relevant procedures.

6.12 The Greenbank Project hopes that all cases will be dealt with satisfactorily. If an individual feels that it is right to take the matter further, they may refer to the table provided at the end of this section, which provides details of a number of relevant organisations.

### **What to do if a concern is raised with you**

7.1 If you receive a concern under this procedure you need to act quickly and with the utmost discretion. All concerns must be evaluated objectively, reviewing the facts as they appear. If appropriate an investigating officer will be appointed.

7.2 In deciding how to progress the concern you should consider the following:

- The quality of the information provided and whether all relevant information has been provided or is available.
- Whether there is any corroborating evidence available, such as supporting documentation or testimony of another individual.
- Whether there are obvious motives that may have led to an accusation such as poor working relationships or the possibility of personal gain. There is also the possibility that a concern raised for the wrong reasons may also be true.
- An assessment of the seriousness of the concerns and the potential risks if they are correct or if they are not investigated.

7.3 Where an allegation involves a member of staff the Investigating Officer may wish to contact an external HR Adviser for advice and assistance with any investigations.

7.4 Depending on the seriousness of the concern and the amount of evidence available, management may wish to consider suspension of an employee in order that an investigation can be carried out unhindered or without further loss to the employer. You are advised to consult your HR Adviser or Union representative in this situation.

### **Making a disclosure outside of Greenbank**

8.1 Greenbank would encourage an individual to raise a concern internally in order to deal with the matter and remove or reduce any risk. However if an individual has raised a concern internally and feels that this has not been dealt with satisfactorily or feels that the concern needs to be raised directly with an external body, such as a regulator, you are advised to seek advice before reporting a concern externally. The independent whistleblowing charity, Protect, operates a confidential helpline to provide confidential advice, free of charge to anyone concerned about wrongdoing at work; telephone 020 3117 2520 or email [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

8.2 The following list provides details of, external organisations that you may wish to contact.

The Information Comissioner	<p>The Office of the Information Commissioner  Wycliffe House, Water Lane  Wilmslow, Cheshire  SK9 5AF  Tel: 0303 123 1113  Email: <a href="mailto:casework@ico.org.uk">casework@ico.org.uk</a>  Website: <a href="http://www.ico.org.uk">www.ico.org.uk</a></p>
Grant Thornton UK LLP (External Auditor to LCC as appointed by Public Sector Audit Appointments Limited)	<p>Royal Liver Building  Liverpool  L3 1PS  Tel: 0151 224 7200  Email: <a href="mailto:enquiries.general@uk.gt.com">enquiries.general@uk.gt.com</a>  Website: <a href="http://www.grantthornton.co.uk">www.grantthornton.co.uk</a></p>
Merseyside Police	<p>Merseyside Police HQ  15 Cazneau St  Liverpool  L3 3AN  Tel: 101 (for calls from Merseyside) or 0151 709 6010 (from outside Merseyside)contact  Website:  <a href="http://www.merseyside.police.uk/contact/af/contact-us/">www.merseyside.police.uk/contact/af/contact-us/</a></p>
The Environment Agency	<p>National Customer Contact Centre  PO Box 544  Rotherham  S60 1BY  Tel: 03708 506 506  Email: <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>  Website: <a href="http://www.gov.uk/environment-agency">www.gov.uk/environment-agency</a></p>
Health and Safety Executive	<p>Redgrave Court  Merton Road  Bootle  L20 7HS  Tel: 0845 300 9923  Website: <a href="http://www.hse.gov.uk/contact/concerns.htm">www.hse.gov.uk/contact/concerns.htm</a></p>
HMRC	<p>HMRC Fraud Hotline  Tel: 0800 788 887  Website:  <a href="http://www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion">www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion</a></p>
Protect (Formerly Public Concern at Work)	<p>Protect  The Green House  244-254 Cambridge Heath Road  London E2 9DA  Tel: 020 3117 2520  Website: <a href="https://protect-advice.org.uk/contact-protect-advice-line/">https://protect-advice.org.uk/contact-protect-advice-line/</a></p>

## **Untrue Allegations**

9.1 If an individual makes an allegation which they reasonably believe is in the public interest, but the matter is not confirmed by the investigation, then no action will be taken against them.

9.2 If an individual makes an allegation which turns out to be untrue, without reasonably believing the allegation to be made in the public interest (e.g. is made for personal gain), then the matter may be considered under The Greenbank College Disciplinary Procedure and disciplinary action may be pursued.

9.3 Employees may take legal action independently. This includes the person who is the subject of the complaint, the complainant and also the charity

## **Further Information**

10.1 The Greenbank Project will deal with the matter in a confidential manner, respecting the anonymity of the whistleblower wherever possible, and not seek to damage the reputation of the whistleblower during an investigation.

10.2 Any action to be taken will be determined by the Senior Management Team. The Greenbank Project will seek to ensure that each member of the Senior Management Team is impartial. No investigations will be conducted by, nor will any persons be involved in any way that are related to or externally personally connected with any person involved in the reported alleged incident.

10.3 The whistleblower will be advised of receipt of the complaint within 7 ( Seven) working days , and kept informed of the progress and outcome (subject to the constraints of confidentiality and law) at no longer than intervals of 14 ( Fourteen) working days

10.4 Where action is taken a report will be forwarded to the Board of Trustees.

10.5 If an employee is dissatisfied with the outcome of the investigation conclusion and action, they can, without fear of reprisal or disciplinary action, take the matter externally to the appropriate body (e.g. such as the Managing Authority or GIAA in respect of suspected alleged ESF fraud; the police; or the most appropriate authoritative body)

10.6 After all actions have been exhausted, if any employee is proven to have made false allegations, appropriate action would be taken against that employee. This may include taking action under Greenbank's disciplinary procedures (section 9).

At any time an employee can discuss confidential issues with their Line Manager or the Chief Executive Officer.



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Author: Andy Barton

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Agreed by Greenbank Board of Trustees

A handwritten signature in blue ink, appearing to read 'Alan Irving', with a vertical line at the end.

Dr Alan Irving, Chairman