

Whistleblowing Policy & Procedure

A whistleblower is a person who raises a concern about a wrongdoing in their workplace. Whistleblowers' rights in the UK are enshrined in the [Public Interest Disclosure Act 1998](#).

This policy relates to whistleblowing on the actions of IES staff members or trustees (as relating to their actions as trustees). Whistleblowing on the actions of IES members or committee members (including relating to trustees outside their capacity as trustees) should be actioned through the complaints procedure aligned with the [IES Code of Conduct](#).

The IES is an organisation that promotes professionalism and integrity. We therefore have a policy to encourage employees and others who have serious concerns about any aspect of the organisation's work to come forward and voice those concerns. Whistleblowers are protected by law if they report any of the following:

- a criminal offence, e.g. 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, e.g. doesn't have the right insurance
- the whistleblower believes someone is covering up wrongdoing

The IES recognises that the decision to report a concern can be a difficult one to make. The IES would always encourage someone with genuine and reasonable concerns to bring them forward, because they would be doing their duty to their employer, colleagues and those for whom the IES provides a service.

Protecting whistleblowers and anonymity

All concerns will be treated in confidence and every effort will be made not to reveal a whistleblower's identity if that is their wish.

However, as a small organisation, there are limits to the extent of our ability to preserve confidentiality or anonymity while investigating, and other parties may be able to infer information as we investigate. While whistleblowers should be assured that we will do what we can to protect them, we cannot guarantee total anonymity during the process. If concerns are raised anonymously, it may prevent the IES keeping the whistleblower informed during the process.

We will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect anyone who raises a concern and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

Process for investigating concerns

To whom a concern is reported will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.

As a first step, concerns about staff members should be sent to the CEO, and concerns about trustees should be sent to the Chair of Council. If the concern relates to the CEO, it should be sent to the Chair of Council. If the concern relates to the Chair of Council, it should be sent to the CEO. If it would not be appropriate to send the concern to either the CEO or the Chair (such as where a concern being reported relates to both the CEO and Chair or where both have a conflict of interest in investigating the concerns), it should be sent to the Vice Chair or a member of the Senior Management Team.

If anybody else within the organisation receives concerns which constitute whistleblowing, they should forward them to the contact listed above, as long as doing so would be appropriate and would be in line with the rest of the policy (for example, as long as doing so would not compromise the anonymity of the whistleblower or lead to harassment).

The IES is committed to handling all whistleblowing through a consistent and transparent process. The full process for investigating concerns is set out in the attached Annex: Process for investigating concerns raised by whistleblowers.

Where there are any ambiguities in the process or the manner in which an Investigation Panel should operate, additional guidance should be sought with reference to the procedures for handling complaints against IES members. Where appropriate, the IES or those conducting an investigation should seek advice from legal or HR professionals.

While conducting investigations, the CEO, Chair of Council, and Investigation Panel should be mindful of the need to adapt the process based on the legal basis for the IES conducting an investigation (i.e. contractual for concerns raised about IES staff, or via the IES's charitable objectives for concerns raised about trustees).

Throughout the investigation process:

- whistleblowers will be given full support from the IES Council and the Investigation Panel (if appointed)
- concerns will be taken seriously, and
- the Council and Investigation Panel will do all it can to help the whistleblower throughout the investigation

Once the concern has been investigated, the CEO, the Chair of Council, or the Chair of the Investigation Panel will let the whistleblower know the outcome of the investigation. Where relevant, they may provide information to support the decision, but note that the confidentiality of other parties may prevent full disclosure of the details of the investigation.

Independent guidance for whistleblowers (and potential whistleblowers)

Anyone considering whistleblowing may wish to seek additional independent guidance. The following sources may help:

- UK Government guidance: <https://www.gov.uk/whistleblowing>
- Acas guidance on whistleblowing at work: <https://www.acas.org.uk/whistleblowing-at-work>
- Protect, the UK's whistleblowing charity: <https://protect-advice.org.uk/>

Encouraging good faith whistleblowing

The IES encourages employees or others with serious concerns to come forward and voice those concerns. This policy is one part of our goal of supporting an open culture of safeguarding and appropriate whistleblowing. The IES also:

- includes our whistleblowing policy in the Employee Handbook
- provides training on safeguarding and whistleblowing for all new starters during onboarding
- encourages new and prospective Leads to reflect on how their role interacts with safeguarding and whistleblowing
- provides periodic information about this policy to all staff members at team meetings

Any questions about this policy or the IES's approach to whistleblowing should be directed to any member of the Senior Management Team. Members of staff can also contact their line manager with any questions about the policy.

Annex: Process for investigating concerns raised by whistleblowers

Definitions

For the purposes of this policy, key terms are defined as follows:

- **Whistleblower:** A whistleblower is a person who raises a concern about a wrongdoing in their workplace. Whistleblowers' rights in the UK are enshrined in the [Public Interest Disclosure Act 1998](#). For the purpose of this policy, a whistleblower is someone who raises a concern within the scope of this policy.
- **Subject:** The person or people about whom a concern is raised by a whistleblower.
- **Investigation Panel:** A panel convened to investigate whether or not the subject engaged in the alleged wrongdoing. Details of the Investigation Panel, its composition, and its role are available in the Process for investigating concerns.
- **Appellant:** Someone who appeals against a decision of the Investigation Panel, typically either the whistleblower or the subject.
- **Independent Tribunal:** An additional appellate panel which can be convened in rare circumstances where an injustice is alleged as the reason for appealing a decision of the Investigation Panel.

Principles

All investigations under this policy should be based on the following core principles:

- That no one should be considered guilty of wrongdoing until so judged as a result of a disciplinary inquiry;
- That any investigation should be transparent and fair; and
- That proven wrongdoing will receive a proportionate sanction.

Process

The process for investigating concerns raised by whistleblowers should be carried out with reference to the whistleblowing policy. Where there are any ambiguities in the process or the manner in which an Investigation Panel should operate, additional guidance should be sought with reference to the procedures for handling complaints against IES members.

- *Typically not more than 3 weeks after the concern is raised:* The CEO or Chair considers whether they have received sufficient information to begin the process, and may seek further information from the whistleblower if needed. The whistleblower does not need to provide evidence for a concern to be considered, though it may be necessary in some cases to request information in support of the policy.
- *Typically not more than 6 weeks after the concern is raised:* The CEO or Chair determines whether there is 'a case to be answered': does the concern raised fit within the scope of the policy and does it require investigation. The CEO or Chair's role is not to determine whether the subject of the whistleblowing is guilty of wrongdoing or not, nor is it to determine whether or not the whistleblower is acting in good faith. At this stage, the CEO or Chair may determine that another process is a more appropriate way to handle the concern.
- *Typically not more than 10 weeks after the concern is raised:* If there is a case to be answered, the CEO or Chair should appoint an Investigation Panel to investigate the concerns raised by the whistleblower. The Panel will typically be chaired by the Chair of Council (unless the concerns relate to the Chair of Council or the Chair was responsible for determining if there was a case to be answered, in which case it will be chaired by the Vice Chair, or another trustee nominated by the CEO or Chair).
 - The Panel will consist of not less than five members. The Panel may, if it sees fit, appoint a practising barrister or solicitor to sit with it for the purpose of advising. Appointments to the Investigation Panel should be made in line with the processes set out for appointing a Disciplinary Board under the IES Byelaws.

- If an Investigation Panel is appointed, the whistleblower should be informed and provided with a flowchart of the process.
- The Investigation Panel will adjudicate upon any allegations raised by the whistleblower, conducting an investigation as needed to gather additional information.
- The Investigation Panel will review the concerns and may request additional information or evidence as they see fit to assist their inquiry. The Panel may hold a teleconference or preliminary meeting to discuss the available evidence and to agree any directions that need to be made. At the Panel's discretion, additional supporting evidence may be sought from the subject or whistleblower, either in the form of written statements which will be circulated, or through an investigatory hearing.
 - An appropriate member of staff agreed by the Investigation Panel will subsequently write to the subject and the whistleblower to provide them with information on the scope of the hearing, a provisional date and all evidence under consideration.
 - The purpose of a hearing is to enable the Investigation Panel to assess the evidence to establish if there has been any wrongdoing. The hearing will be undertaken either at a meeting or by teleconference or videoconference. The subject and the whistleblower will be invited to partake in the hearing and will do so at their own expense.
 - Where a whistleblower wishes to remain anonymous, they will be permitted to submit anonymous written evidence in advance. The subject and the whistleblower may be represented by lawyers, or accompanied by a friend or colleague.
 - The hearing will be recorded. The IES shall retain the recordings as a matter of record for issues of accuracy, but will not make the recording available to the Subject and the whistleblower unless requested to do so at the relevant party's expense.
 - Further evidence may also be sought or received during the hearing, although all written evidence must have been submitted prior to the conclusion of the hearing.
 - Guidance on the conduct of the hearing will be sent to both parties. Neither the subject nor the whistleblower, or their nominated representatives or witnesses, will be eligible to claim recompense from the IES for any costs associated with the complaint or hearing.
 - If the subject admits to the wrongdoing prior to the hearing, oral or written accounts by the subject or the whistleblower may not be required and the hearing will only consider whether there are any mitigating factors.
- *Typically not more than 14 weeks after the concern is raised:* After the Panel makes a decision, the Project Office will inform the subject and the whistleblower of the decision together with the reasons for the decision and any sanctions or advice. It will notify both parties of a right to seek leave to appeal its decision. All parties are expected to maintain confidentiality until the period to seek leave to appeal the decision has elapsed.
- *Within 10 working days of the date of the letter of the decision from the Panel:* A request to appeal the decision of the Panel may be sought based on new evidence becoming available since the hearing which may have affected the outcome of the hearing, or an apparent injustice during the inquiry. The request to appeal must be sought within 10 working days of the date of the letter of the decision from the Panel.
 - Where the appeal is on the grounds of new evidence the request will be considered by the Chair of that Panel who may, if leave to appeal is granted, constitute the Panel to hear the additional evidence.
 - Where the grounds for appeal are an alleged injustice the request will be considered by an Independent Tribunal designated by Council. This shall have the power to revoke, vary or uphold the decision of the Investigation Panel. This independent tribunal shall also have the power to make an order for the payment of the costs of the tribunal. The decision of the Independent Tribunal shall be final and there will be no right to a second appeal.
 - If the request to appeal is denied, the basis for this will be communicated in writing to the Appellant and the decision of the Panel will be upheld.