
Whistleblowing Policy

V2.0
May 2023

1. POLICY STATEMENT

- 1.1 The Employment Rights Act 1996 as amended by The Public Interest Disclosure Act 1998 and Enterprise and Regulatory Reform Act 2013 protects employees against detriment or dismissal for raising concerns about potential breaches of the law or other wrongdoing where these are matters of public interest ("Whistleblowing"). The Act and this policy apply to all BHS Home Team members (including agency workers, temporary employees and contractors).
- 1.2 Although not subject to the legislation described above, the Society will apply the same considerations and offer the same protections and assurances to BHS Trustees, BHS Volunteers, BHS Assessors, BHS Internal Quality Assurers, BHS Approved assessment centres (and their workforce), BHS Accredited Professional Coaches and learners/candidates of BHS/BHSQ assessments and qualifications who raise concerns under this policy.

2. PURPOSE

- 2.1 The Society is committed to the highest standards of integrity and honesty in conducting its business and to this end encourages all individuals described in 1.1 and 1.2 above to raise genuine concerns about breaches of the law and other potential wrongdoings ('qualifying disclosures') without fear of repercussions.
- 2.2 Home Team members should not use this policy for complaints concerning their own personal circumstances. In these cases, the Society's Grievance Policy and Procedure should be used and advice should be taken from the People Team about the process to be followed.

3. QUALIFYING DISCLOSURES

- 3.1 Certain disclosures are prescribed by law as 'qualifying disclosures'. A qualifying disclosure means a disclosure of information that you genuinely and reasonably believe is in the public interest and shows that the Society has committed a "relevant failure" by:
- committing a criminal offence
 - failing to comply with a legal obligation
 - a miscarriage of justice
 - endangering the health and safety of an individual
 - environmental damage or
 - concealing any information relating to the above.
- 3.2 These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Society will take any concerns that you may raise relating to the above matters very seriously.
- 3.3 Individuals must reasonably believe that the disclosure is "in the public interest". We encourage you to use the procedure to raise any such concerns.
- 3.4 Please refer to Appendix 1 for examples of disclosures that might be made in the context of BHS education and assessment delivery.

3.5 Disclosures may also be made for investigation through this procedure where individuals are concerned about a reputational risk to the Society.

3.6 The types of disclosure referred to in paragraphs 3.4 and 3.5 will be treated in the same manner as those defined as qualifying disclosures in paragraph 3.1.

4. MAKING A DISCLOSURE

4.1 A disclosure can be made to one of the following Designated Persons:

4.1.1 Information which an individual to which this policy relates as described in 1.1 and 1.2 reasonably believes is a qualifying disclosure as defined by this policy should be disclosed promptly to their BHS Director, or if the disclosure relates to their BHS Director a Home Team member can raise the matter with the Chief Executive or Company Secretary.

4.1.3 If the disclosure relates to the Chief Executive or the Company Secretary, it can be raised with the Chair of the Board of Trustees.

4.1.4 In respect of all disclosures, except those covered by 4.1.3 above, you may choose to report these to concerns@bhs.org.uk or to the Company Secretary directly.

5. CONFIDENTIALITY

5.1 The Society hopes that all individuals will feel comfortable making disclosures without the need for anonymity. If a disclosure is made anonymously, the Society will be unable to notify the person making the disclosure of the outcome, and it may also hinder our ability to carry out a thorough investigation.

5.2 Anonymous disclosures will be considered, but if there is insufficient evidence to warrant investigation or the allegation is deemed not to be credible, or trivial, or vexatious then no further action will be taken.

5.3 If the individual making the disclosure wishes to keep their identity confidential the Society will endeavour to respect the request and will notify the person if this will not be possible (for example because disclosure would be required by law, or to assist the police or a regulator with an investigation, or occasionally where the nature of the disclosure in itself would identify them). In addition, it may be necessary to disclose the individual's identity to:

- The decision maker who will determine whether an investigation is required (see paragraph 6)
- An 'Investigator' appointed by the Society

6. INVESTIGATION PROCEDURE

6.1 Where possible the disclosure should be made in writing with any supporting evidence. The Society will acknowledge receipt in writing, normally within 5 working days.

6.2 The Society will then determine if further investigation is required. In making this decision consideration will be given to the following:

- Whether the disclosure concerns a relevant failure as defined in paragraph 3.
- Whether the procedure in this policy has been followed.
- Whether the individual is acting in the public interest and not for personal gain or personal motives.

- Whether there is any supporting information to corroborate the suspected relevant failure.

It may be necessary for the person making the disclosure to be interviewed to secure information to decide whether a disclosure should be investigated. In this situation the person making the disclosure may be accompanied by a trade union representative, work colleague or other suitable companion at the interview.

6.3 The decision on whether to investigate a disclosure shall be made by (the *Decision Maker*):

- The Company Secretary, except where the disclosure concerns the Company Secretary or Chief Executive.
- The Chief Executive where the disclosure concerns the Company Secretary.
- The Chair of the Board of Trustees where the disclosure concerns the Chief Executive.

6.4 If the Society decides that there are no grounds to answer, the person making the disclosure will be informed as soon as practicable. If an investigation is warranted, the Decision Maker will determine the nature of any investigation and who should undertake that investigation. This person should have no personal interest in the case and there should be no expectation of bias from the outcome. The Decision Maker shall only disclose details of the subject matter of the investigation to other employees of the Society to the extent that it is necessary for:

- (i) The purpose of the investigation.
- (ii) For the effective management of the Society.

Any investigation will be carried out as swiftly as necessary, considering the complexity of the issues and the volume of evidence to be considered.

6.5 When the investigation has taken place, the Decision Maker will decide what, if any, further action is required. This may include reporting to bodies outside of the Society. The person making the disclosure will be kept informed of the outcome of the investigation and any action taken by the Society as a result.

7. INDIVIDUALS NAMED IN A DISCLOSURE

7.1 When an allegation is made against a named individual, they will be informed of the allegation and the supporting evidence at an appropriate time. The point at which this occurs will depend on the specific nature of the disclosure. Should they be interviewed about the matter, they may be accompanied by a trade union representative, work colleague or other suitable companion.

8. PROTECTION FOR WHISTLEBLOWERS

8.1 The Society will not take any disciplinary action against a person making a disclosure providing they do not make false allegations maliciously or with a view to personal gain.

8.2 The Society will take all reasonable steps to ensure that a person making a disclosure is not subject to any detrimental treatment (including informal pressure, or any form of victimisation) for making a disclosure in accordance with this policy.

8.3 The Society will take disciplinary action against Home Team members who seek to bully, intimidate or victimise anybody because they have made a Disclosure under this policy.

9. DISCLOSURE TO EXTERNAL BODIES

9.1 This policy has been implemented to allow individuals to make a disclosure within the Society. An individual may have the right to make a disclosure outside of the Society in certain circumstances. However, the Society strongly encourages all people to seek advice before reporting a concern to any third

party. The independent whistleblowing charity Public Concern at Work, operates a confidential hotline and can be contacted at:

The Green House
244-254 Cambridge Heath Road
London E2 9DA
Website: www.protect-advice.org.uk
Whistleblowing Advice Line: 020 3117 2520

- 9.2 If your disclosure relates to a regulated qualification delivered by the BHS and awarded by BHSQ, the individual may wish to report the matter to BHSQ who can be contacted at:

Website: www.bhsq.co.uk
Telephone: 02476 840544

BHSQ is recognised and regulated by the Office of the Qualifications and Examinations Regulator (Ofqual) in England, SQA Accreditation in Scotland, Qualifications Wales (QW) and the Council for the Curriculum, Examinations and Assessment (CCEA) in Northern Ireland. An individual should seek advice if they wish to report their concern to the relevant regulator.

- 9.2 Individuals are reminded that any disclosure of information about the Society to a third party must not breach the duties of confidentiality owed by them to the Society.

10. RECORDING AND REPORTING

- 10.1 The Society will keep a record of all disclosures made under this policy and will report these annually to the Audit Committee.
- 10.2 The records of complaints and their investigation will be kept by the Company Secretary for five years.
- 10.3 Complaints that may affect the security of qualifications awarded by BHSQ will be shared with BHSQ for external quality assurance purposes.
- 10.4 The procedure will be subject to review by the Society every three years.

11. TO REPORT A MATTER

- 11.1 To report a matter under this policy, you can contact any of the Designated Persons referred to in paragraph 4 of this Policy, or send an email to concerns@bhs.org.uk.
- 11.2 Please provide the following information:
- Key details such as the nature of the suspected or actual wrongdoing, location/s, date/s, party or parties involved
 - Any supporting files, documents and/or photographs
 - Your relationship to the BHS
 - Your name and contact details
- 11.3 Please also inform us if you are under 18 years old, so that we can ensure that you have age appropriate support and guidance.

Appendix 1

Examples of disclosures that might be made in the context of BHS education and assessment delivery may include the following:

- An individual identifying that a BHS employee, assessor or Approved assessment centre has breached confidentiality relating to personal information or assessment details
- An individual informs the BHS of an employee, assessor or Approved assessment centre committing or attempting to commit activity which may affect the integrity of an assessment
- An individual witnesses a BHS employee or assessor acting in a way that compromises health and safety during an assessment
- An individual identifying practices or processes, or lack of, at an Approved Assessment Centre that compromises health and safety during an assessment
- An individual or organisation identifies a potential conflict of interest for a stakeholder that has not been declared to the BHS
- An individual witnesses a BHS assessor or member of an advisory group falsifying expense claims.

This list is for example only and is not exhaustive.