



Whistleblowing Policy

This policy applies to:	All PSAA employees at all levels, Board members, agency workers or external consultants who may from time to time work for PSAA (past and present) and any other individuals who have had a connection with PSAA.
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Version 3.2

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1. Purpose of Policy

PSAA aims to provide a safe and effective working environment, which enables individuals to raise genuine concerns about malpractice or unlawful conduct in the workplace. This policy is intended to empower individuals to disclose serious wrongdoing or unlawful conduct at an early stage, in the right way and without fear of recrimination.

It is important that we know about potential malpractice as soon as possible and act quickly and effectively to put matters right. Prompt action may put a swift halt to malpractice, minimise the cost of investigation, lessen the risk of claims and legal action, and protect PSAA's reputation as an accountable and well managed organisation.

Whistleblowing protection is confined to a disclosure which, in the reasonable belief of the worker making the disclosure, is made in the public interest. We are committed to compliance with the Bribery Act 2010, the Employment Rights Act 1996, and Public Interest Disclosures Act 1998 (PIDA) and all relevant legislation. We actively encourage a culture of honesty and openness and therefore all individuals are required to raise with their manager or other designated person any issue that, in the individual's opinion, might constitute bribery or corruption.

This policy does not apply to concerns of a personal or professional nature that relate to the specific treatment of an individual, or the application of an employment policy to them as an individual. These matters should be handled through the Grievance and Disciplinary Procedures.

2. What is Whistleblowing?

Whistleblowing concerns are those that affect the public interest as well as individual members of staff. PIDA provides protection to workers who make certain disclosures of information in the public interest.

PIDA defines 'workers' as people working 'under a contract of employment' (for example employees, contractors and those on work experience) and 'qualifying disclosures' as 'matters which show that one of the following has or is likely to occur':

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment;
- financial or non-financial maladministration, malpractice or fraud;

- professional malpractice;
- failure of an individual/s to disclose a serious conflict of interest; or
- deliberate concealment in relation to any of the above matters.

Where individuals cannot resolve these concerns with their employers, they may make qualifying disclosures to external bodies. PIDA offers protection to workers who make qualifying disclosures in the public interest; by allowing such individuals to bring action for victimisation resulting from the disclosure, through an Employment Tribunal.

Compensation payments for unfair dismissal for making qualifying disclosures are not subject to the financial cap that applies in normal unfair dismissal claims.

Employees can talk to their trade union representative or contact the charity Protect [Whistleblowing or grievance? | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk) for advice if they are unsure if the concern is a grievance or a whistleblowing issue.

3. Disclosure Process

Individuals should only make a disclosure ('Whistleblow') under this policy after carefully considering whether the concern is so serious it cannot be raised through normal management arrangements e.g. in a 1:1 session with their immediate manager.

Individuals can raise concerns about malpractice orally, or in writing, with their line manager. Should the employee feel unable to discuss their concern with their line manager, or feel that they have not addressed their concern properly, they can raise the matter with:

- a Senior Management Team (SMT) member (if this individual is not also the line manager) or direct to the Chief Executive;
- Thelma Stober, PSAA's Company Secretary Thelma.Stober@local.gov.uk; or
- Chair of the PSAA People and Remuneration Committee.

Where the disclosure is oral and thus a meeting arranged with the manager or Chief Executive, the employee may be accompanied by their Trade Union representative or a work colleague.

Concerns should include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and

- the reasons why the individual is particularly concerned about the situation.

Concerns will be dealt with in confidence. This means we will not disclose the individual's identity unless required by law, for instance where evidence is needed to be given in court. If this happens, individuals will be consulted on how to proceed.

Due to the size of the organisation, we cannot guarantee that colleagues or the people involved in the concern will not be able to deduce an individual's identity.

4. Investigation and Response

The manager dealing with the concern will, if possible, arrange an informal face-to-face meeting with the disclosing individual. The meeting should take place as soon as possible, and in a safe environment, for example at a location away from the usual place of work.

The objectives of this meeting will be to:

- explain the concern in as much detail as possible and review any evidence brought to the meeting;
- reassure that PSAA will treat honest and reasonable concerns seriously and without reprisal, and make sure that the individual is aware of the Whistle-blowing Policy;
- confirm whether the individual wants the issue to be dealt with in confidence;
- agree what course of action will be taken. The investigation will be conducted speedily, ideally reporting within three weeks of receipt of the disclosure. On the basis of the findings of the investigation, the relevant manager or Chief Executive will decide what action should be taken;
- agree how and when the outcome of the action taken will be communicated to the individual; and
- where investigating the concern may take some time, arrange to communicate progress regularly.

Where the individual may be unwilling to meet a manager in person to discuss the concerns, the manager will assess the available information, including any written evidence or statement provided, and decide on the course of action to be taken. The manager will advise what action they intend to take if this is possible.

The course of action agreed will depend on the nature and seriousness of the concerns.

To ensure that we are properly taking account of all risks, the Chief Executive will consider whether any concerns raised should be included on an anonymous basis in the corporate risk reporting to the Board. In making this decision, the Chief Executive will consider:

- the nature of the concern, including for example whether PSAA risks breaking the law or whether public funds are at risk of misuse;
- how long the concern has existed; and
- how/whether the concern has been resolved.

Managers dealing with the concerns raised must let the individual know that the Chief Executive will receive this information about their concern.

The Chief Finance Officer must be informed of any concerns that may involve fraud or theft. They will take suitable action under the Counter Fraud Policy to investigate such issues.

5. Feedback

As much feedback as possible will be provided in writing, on how the concern has been dealt with. Please note, however, that we may not be able to disclose actions taken where this would infringe a duty of confidence owed to someone else.

Where the individual sees evidence that the issue is continuing, or fear that they may be subject to reprisals, they should advise the Chief Executive immediately.

6. Support and Protection of the Person Making the Disclosure

The Board and Chief Executive are committed to this policy. Where a genuine concern is raised under this policy, the individual will not be at risk of losing their job or suffering any form of retribution as a result. Provided they are acting honestly and reasonably, it does not matter if they are mistaken about their concern. It is better for us to investigate genuine concerns, than to run the risk of a serious incident later.

We will not tolerate the victimisation or harassment of individuals who have raised genuine concerns through this policy. We will treat any reprisals as a serious disciplinary matter that may result in the dismissal of those responsible.

However, we also place a responsibility on individuals to act in good faith and to use this policy honestly and reasonably. It will treat any malicious and knowingly false allegations as a serious disciplinary matter that may result in dismissal. Individuals making knowingly false allegations may not benefit from the assurances in this policy.

7. Promptness of raising concerns

While there is no strict legal deadline for raising a whistleblowing concern, acting without undue delay is generally in the best interest of both the individual and the organisation.

Concerns should be raised as promptly as possible once an individual becomes aware of wrongdoing. Prompt reporting allows us to investigate and address the issue quickly, potentially preventing further harm or misconduct.

Where possible, concerns should be raised by former employees/workers before leaving our employment. If this is not reasonably possible, the employee/worker should set out their concerns as soon as possible after leaving employment.

8. Dissatisfaction, Advice and Reporting to an External Body

Where the discloser is unhappy with the response, they can escalate their concerns via another route as set out in section 3 above. All matters will be handled fairly and properly by using this policy.

If the individual is unsure whether to use this policy, or want independent advice at any stage, they may contact the independent charity Protect: [Whistleblowing or grievance? | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk/)

Given the business of our work, we recognise there may be circumstances where individuals can properly report matters to outside bodies, providing they are acting honestly, reasonably, and in good faith.

Options for contact are:

- Protect (<https://protect-advice.org.uk/>) to advise on such an option and on the circumstances where it is appropriate to contact an outside body safely.
- Making a disclosure to the National Audit Office, by calling 020 7798 7999 or by writing to The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London SW1W 9SP.
- Seeking advice from a professional association, if applicable. Many professional bodies have ethics committees, help lines or similar support.

9. Wider Disclosure

Wider disclosures (for example, to the police, media or non-prescribed regulators) are protected under the PIDA, but only where certain conditions apply. The conditions require that in making the disclosure the worker is acting in good faith and honestly and reasonably believe the information and any allegations in it are substantially true, and the disclosure is not made for personal gain. In addition, they must either:

- reasonably believe they would suffer a detriment if they report the matter to their employer; or
- have previously made the disclosure to their employer or a designated person without any reasonable response being made; or
- in a case where there is no other designated person, reasonably believe evidence will be concealed or destroyed if the disclosure is made to their employer.

Where a wider disclosure is considered, the discloser should first seek advice about their rights and responsibilities, by contacting Protect (<https://protect-advice.org.uk/>) speaking to their trade union representative or seeking advice from their professional association.

10. Handling External Whistleblowing Enquiries

PSAA is not a prescribed person under PIDA for receiving disclosures.

Where PSAA receives an external enquiry from someone wishing to make a whistleblowing disclosure, one of the following options should apply:

- where the disclosure relates to an audited body to which we appoint the auditor, the enquirer should be informed that their enquiry should be directed to the appointed auditor for attention, and the contact details of the auditor provided to the enquirer; or
- where the disclosure does not relate to a relevant audited body, the enquirer should be advised to contact the National Audit Office, using the contact details in section 7 above; or
- where the disclosure relates to PSAA itself, refer this directly to the most appropriate designated whistleblowing contact (see section 3 above).

11. The Responsible Officer and Assurance Arrangements

The Chief Executive has overall responsibility for maintaining and operating this policy. The Chief Executive is responsible for maintaining a record of concerns raised and outcomes where known, (but in a form which does not endanger confidentiality) and will report as necessary to the PSAA Board, and where appropriate to the Audit Committee.

Should there be a serious adverse incident, for example a damaging unauthorised public disclosure or a case brought against PSAA under the Public Interest Disclosure Act, the Audit Committee will independently review the operation of the whistle-blowing arrangements for lessons learned.

12. Monitoring and Review

This policy and procedure will be reviewed every two years, or sooner if prompted by relevant changes to employment law, by the Chief Operating Officer and Deputy Chief Executive. Significant improvements, updates and changes may prompt engagement and consultation with the People and Remuneration Committee and trade union colleagues.