



Whistle Blowing Policy

1. Introduction

1.1 Whistle blowing has been defined as: ‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’ (Public Concern at Work Guidelines 1997).

1.2 Statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 (“PIDA”). The PIDA protects employees against victimization if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the company which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

1.3 This policy applies to all company staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the organization.

2. Aims and Scope of Policy

2.1 The Directors are committed to high standards in all aspects of the organization and will treat whistle blowing as a serious matter. In line with the Director’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

2.2 This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with the organisations standards and policies so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimization for whistle blowing action undertaken in good faith and within the meaning of the PIDA.

2.3 This policy covers whistle blowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to learners and members of staff
- action that has caused or is likely to cause danger to the environment



- abuse of authority
- unauthorized use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to the organizations property
- sexual, physical or emotional abuse of members of staff or customers
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and any attempt to prevent disclosure of any of the issues listed.

2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle blow.

3. Safeguard Against Reprisal, Harassment and Victimization

3.1 The company will not tolerate harassment or victimization of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimizes or harasses a member of staff as a result of their having raised a concern in accordance with the whistle blowing policy will be dealt with under the organisations staff disciplinary procedures.

4. Confidentiality

4.1 The Directors recognize that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

4.2 However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

5. Anonymous Allegations

5.1 Staff should put their name to all allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistle blowing procedure especially concerns raised relating to the welfare of Children, young people and vulnerable adults. In relation to determining whether an anonymous allegation will be taken forward the Directors will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

6. Untrue and Malicious/Vexatious Allegations

6.1 If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Directors will consider taking disciplinary action against the member of staff.

7. Allegations Concerning Safeguarding Issues

7.1 If a member of staff raises a concern related to a Safeguarding issue, the Manager or Director will contact the LEA officer designated to lead on child protection or Safeguarding as appropriate. They may also contact CQC.

8. Procedure for Making a Whistle blowing Allegation

8.1 Concerns should be expressed in as timely a fashion as is possible to a Director or Senior Manager. This should be followed up in writing. It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

8.2 If you feel you cannot express your concerns within the organization, it is open to you to raise your concern with someone outside the organization setting with the appropriate body.

If the concern needs to have Police or other statutory authority involvement, the whistle blowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistle blowing process.

8.4 Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person.

9 Response to Whistle blowing

9.1 The matter raised may:

- need inquiry internally in the organization or the employer
- need to be passed to the Police if it relates to alleged criminal activity
- need to be referred to the LEA, Social Services or CQC officer designated to lead on Safeguarding

10. Timescale for Response

10.1 You will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter



- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

11. The Inquiry Process

11.1 The investigation officer will:

- look into the allegation - seeking evidence and interviewing witnesses as necessary.
- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.
- if appropriate, refer the matter to the employer concerned or for concerns of criminal behaviour refer the matter to the Police.
- if appropriate, for concerns of child protection, refer the matter to the LEA officer designated to lead on child protection/ or CQC .

The whistle blowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistle blowing process.

11.2 The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

12. The Inquiry Report

12.1 Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.

12.2 Following completion of the investigation, and any actions arising from the investigation, a copy of the report will be kept on file