



Figure of Eight Education

# WHISTLE BLOWING POLICY

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2020-21 Academic Year

Reviewed September 2020 - To be reviewed August 2021

# WHISTLE BLOWING POLICY

## INTRODUCTION

Whistle blowing is a disclosure of information that an individual considers to be malpractice by an employer, co-worker, member, provider, partner or other stakeholder. Figure of Eight Education ('Company') is committed to the highest possible standards of openness, honesty and accountability. Employees are the eyes and ears of any organisation and may have vital information concerning possible corruption, fraud, abuse or malpractice. This policy provides a confidential and transparent means by which individuals can report their concerns to the appropriate parties in a secure environment. This policy also places an obligation on the Figure of Eight Education to deal with allegations appropriately.

The Company operates within legal requirements and regulations and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged and encouraged to report this activity. The Company is committed to the values of accountability, but a determined perpetrator may find a way round systems and procedures. It is therefore necessary for all staff to be aware of what is required in the event of suspicions. This policy is accompanied by the procedures for employees who wish to notify any suspicions and also how the Company will respond.

## SCOPE OF THE POLICY

This policy applies to all employees and applies equally to those designated as casual, temporary, agency authorised volunteers or work experience and those contractors working for Figure of Eight Education on the premises, for example agency staff, builders. It also covers suppliers and those providing services under a contract with the Company in their own premises.

The grievance procedure is in place to enable employees to lodge a concern relating to their employment. The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Conduct which is an offence or a breach of law.
- Disclosures related to miscarriages of justice.
- Dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees.
- Damage to the environment.
- Dangerous practices.
- The unauthorised use of company funds.
- Fraud or corruption.
- Action which is contrary to the code of conduct for employees.
- Sexual or physical abuse of students or others.
- Other unethical conduct.

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### PURPOSE OF THE POLICY

- To encourage all employees to feel confident in raising serious concerns, to question and act upon their concerns.
- To provide employees with a method of raising concerns and receive feedback on how this is being followed up.
- To ensure employees receive a response to their concerns and they are aware of how to pursue them if they are not satisfied.
- To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

### WHISTLE BLOWING POLICY: PROCEDURES

#### Procedure description

Employees are often the first to see or suspect something that may be seriously wrong within Figure of Eight Education. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the authority. They may also fear harassment or victimisation. The Directors will not tolerate any harassment or victimisation and will take appropriate action to protect employees when a concern is raised in good faith.

Figure of Eight Education committed to the highest standards of openness, honesty and accountability. In line with that commitment we encourage employees, and others that we deal with, who have serious concerns about any aspect of the Company's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

Expected standards of conduct and practice derive from a variety of sources including:

- Job descriptions
- Policies, procedures and guidelines
- Professional standards
- Legal requirements and guidelines
- Inspection standards and reports
- Code of Conduct

The above list is not exhaustive, but indicates the framework within which Figure of Eight Education delivers its services. Employees should ensure that they are aware of the standards expected of them. If they are in any doubt they should discuss this with their manager or supervisor.

The system for maintaining good standards is founded on proper induction, supervision and appraisal, team/departmental meetings and briefing sessions, training and development and, where necessary, the positive use of the Capability and Disciplinary Procedures.

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The Company recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those who are providing a service.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.

### **Promoting good practice**

There are several ways of promoting good practice as follows:

- Leading by example. No one is perfect but it is hard to criticise others if our own practice is slipshod.
- Awareness of what the Company's policies and procedures expect of staff and informing others who do not.
- Taking the initiative to propose new procedures and amending old procedures.
- Where employees are in a caring role they should ask for procedures that make it "normal" to express concern about "care" standards.

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- Staff should ask questions. If a colleague does something strange it should be questioned. By asking why something is done in a certain way and how it will improve the service will ensure standards are maintained.
- Staff should keep up-to-date, read professional journals, and attend CPD courses (where appropriate) join discussion groups or joint professional groups. Staff are advised to talk to fellow professionals to learn from best practice.
- Staff should co-operate as fully as possible with any investigation into working practices arising from complaints and share any knowledge or concerns.
- Staff should know what is happening in the Company, read memos and attend meetings and briefings. Staff are advised not to wait until something becomes a major problem. By acting early, bad working practices will not be seen to be condoned.

### Concerns (*Confidentiality*)

All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if that is their wish. However, this cannot be guaranteed, if the matter is considered by an external body, outside of the Company's control, e.g. legal proceedings.

### How to raise a concern

When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident? If so, he or she should write it down in detail.
- Did anyone else witness the incident at the same time? If so, they should write it down in detail too.

Who an employee should raise concerns with, depends upon on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, there may be exceptional occasions when they are concerned about poor or bad care practice by colleagues at work or where they are aware of a colleague acting in a way that is illegal, immoral, or unethical. As a first step, an employee should normally raise concerns with their immediate manager/supervisor. However, if their concern is about their manager they should contact those above their manger. If an employee's concern is about the Head Tutor, he or she should contact the Directors.

Once an employee is certain that bad practice exists the following action should be considered: Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action. If the employee wishes he or

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she may ask for a private confidential meeting with the person to whom he or she wishes to make the complaint. An employee may take another person with them as a witness or for support. The employee should take to the meeting – if possible - dated and signed written supporting statements from anyone who can confirm the allegations.

When making the complaint verbally, the employee should write down any relevant information and date it. **Keep copies of all correspondence and relevant information.** The employee should ask the person to whom he or she is making the complaint what the next steps will be and if anything, more is expected of them. Ask to be informed of the outcome of the investigation into the complaint.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. An employee may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two people who have had the same experience or concerns. Employees may ask a union or professional association representative to advise them or be present during any meetings or interviews in connection with the concerns they have raised. Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns.

All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine concerns, both inside or outside the Company. However, this does not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the Disciplinary Procedure.

### **Anonymous Allegations**

This policy encourages employees to put their name to any allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Company. In exercising its discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

### **How Figure of Eight Education will respond**

The individual manager hearing the concern is encouraged to approach the Directors if they feel the concern warrants it. Voicing a concern is not the same as either accepting or rejecting it. Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or in conjunction with Personnel through the disciplinary procedure,
- Be referred to the police
- Be referred to the external auditor

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- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle the Company will have in mind is the public interest and safety. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If it is considered that urgent action is required this will be taken before any investigation is conducted. Within ten working days of a concern being raised, the manager hearing the concern will liaise with the Head Tutor or the Directors, and will write to the employee, and:

- Acknowledge the concern has been received
- Indicate how the matter will be dealt with and who will be involved
- Where possible, give an estimate of how long it will take to provide a response
- Tell the employee whether any initial enquiries have been made
- Check whether he or she needs any personal support
- Tell the employee whether further investigations will take place and if not why not.

The amount of contact between those considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Company will seek further information from the employee, as part of the investigation process.

The Company will take steps to minimise any difficulties which employees may experience as a result of raising any concerns. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Company will arrange for them to receive support.

Figure of Eight Education accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, they will be informed of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. Also, if appropriate, what changes are to be made to monitor procedures, to ensure that a similar concern is not raised in the future.

### **Untrue Allegations**

If employees make an allegation in good faith, but it is not confirmed by the investigation no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against them. In such cases, the Disciplinary Procedure will apply.

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### **How matters can be taken further**

If the employee is not satisfied with the outcome following a complaint with the Company, they may take the matter to the Directors if they have not already been involved. Within ten days the Director will write to the employee to acknowledge the concern has been received and indicate the steps that will be taken. The Directors will then inform the employee of the outcome on the same basis as above.

If employees take their concerns outside of the Company, this policy does not apply. They should take advice about their rights and responsibilities. Employees should also make sure that as far as possible the matter is raised without personal information relating to other employees being disclosed. Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure will be liable to disciplinary action.