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Whistle Blowing Policy

Introduction

The words whistle blowing in this policy refers to the disclosure internally or externally by staff and learners, as well as illegal acts or omissions within the workplace. A whistle-blower is someone who raises a genuine concern about wrongdoing or malpractice or danger so that problems can be identified and resolved quickly.

Policy Statement

Debut is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To achieve its ends, it encourages freedom of speech. It also fosters an environment that supports and safeguards everyone at Debut. It encourages staff and learners to use internal mechanisms for reporting any malpractice or illegal acts or omissions by other individuals. Debut wishes to promote high standards of accountability, honesty and integrity and a culture of openness. Members of staff have an important role in helping to achieve these standards, acting responsibly in order to uphold the reputation of the college and to maintain public confidence and raising issues of concern in a responsible way.

Scope of Policy

This policy is designed to enable employees and learners of Debut to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures, e.g., disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal professional obligation to which they are subject.
- That the health & safety of an individual or safeguarding of learners or the public has been, is being, or is likely to be, endangered.
- Criminal activity that has been committed or likely to be committed (including fraud, theft, embezzlement or tax evasion).
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- Improper conduct or unethical behaviour, behaviour that could be under the topic of safeguarding.
- Any behaviour that would be considered a risk under the Government's Prevent Strategy.
- That the environment has been, is being, or is likely to be, damaged.
- That information tending to show any of the above is being, or is likely to be, deliberately concealed.
- Corruption, bribery or blackmail.

Legal Framework

The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regulatory Reform Act 2013, protects a member of staff against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and that organisations have procedures in place to deal with the concern.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

Procedure for Making a Disclosure

- Staff should raise any concerns they have under this policy promptly to their line manager in the first instance so that any appropriate action can be taken.
- However, if the matter is more serious, or if their line manager has not addressed their concern or if it is inappropriate to make such a disclosure to their line manager for any reason, a staff member can raise the issue with the Head/Director(s) of the Academy or the HR Officer.
- If the disclosure relates to a Senior Manager or a Director, the staff member can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance a staff member can relate the issue directly with other board members.
- The college hopes that staff will be comfortable with identifying themselves when making a disclosure and steps will be taken to preserve confidentiality.
- Learners, volunteers and visitors should raise any concerns they have under this policy promptly to a senior manager or a centre manager in writing. If the disclosure involves a senior manager or a centre manager, they should direct their disclosure to a Director.

Procedure for Investigation of a Disclosure

- When a staff member makes a disclosure, the college will acknowledge receipt as soon as reasonably possible.
- The designated individuals responsible for overseeing any whistle blowing disclosures will obtain and acknowledge full details and clarification of the complaint and will then report to the Director, Carla Hales who will decide on how the investigation will proceed (provided she is not the individual that the disclosure is concerned with).
- The investigation may need to be carried out under the terms of strict confidentiality, i.e. by not informing the subject of the complaint/allegation until, or if, it becomes necessary to do so. This may be appropriate in cases of suspected fraud. The designated individual will keep the whistle blower informed about the investigation and the outcome.
- A meeting with the individual who has made the disclosure will be arranged as soon as possible to discuss their concern. The individual may be required to attend additional meetings to provide further information. If a staff member has made the disclosure they may bring along a colleague or other representative under this policy but they must respect the confidentiality of the disclosure and subsequent investigation.
- If appropriate, any internal investigation would be conducted by a Senior Manager who does not have direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the college, this could be a Governor.

- Any recommendations for further action made as a result of the investigation will be addressed by the Director or Lead Investigator, who will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so. Possible actions could include internal investigation, referral to college auditors, referral to external bodies such as police, Ofsted, H&S executive or the ICO.
- The individual who has made the disclosure will be informed of any progress and its likely timescale. However, sometimes the need for confidentiality may prevent us from giving specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation should be treated as strictly confidential.
- While we cannot always guarantee a particular outcome, the college will try to deal with the concern raised fairly and in an appropriate way.
- If the whistle blower is not satisfied that their concern is being properly dealt with by the designated individual, they then have the right to appeal against the outcome by raising the issue with the Chair of Governors within 10 working days of the outcome in writing.

Disclosures to External Bodies

This policy has been implemented to allow staff members to raise disclosures internally. In most cases staff should not find it necessary to alert anyone externally. However, a staff member may have the legal right to make a disclosure outside the college, for example, a regulator, in certain circumstances.

The Prescribed Persons Order 2017 sets out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. An up-to-date list can be found [here: http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies)

All staff should feel able to raise concerns about poor or unsafe practice and potential failures in the college's safeguarding regime and know that such concerns will be taken seriously. Where the staff member feels unable to raise an issue, the NSPCC whistleblowing helpline is available on 0800 028 0285 (open from 8am to 8pm Monday to Friday) or email: help@nspcc.org.uk

Responsibility and Authority

The organisation has ultimate responsibility for staff and learner protection and will ensure that the arrangements for safeguarding learners are effective, robust and reviewed on a regular basis. As such several senior members of staff has been designated for overseeing that everyone associated with Debut feels confident to speak out when necessary, knowing their voice will be listened to.

The designated safeguarding/whistle blowing personnel are:

1. Linda Edwards
Centre Manager & Safeguarding Lead
01268 560552
linda@debutacademy.com

2. Carla Hales Director
01268 560552
carla@debutacademy.com

3. Kersti Harding
Business Director & Safeguarding Deputy
01268 560552
kersti@debutacademy.com

4. Charlotte McHiggins
Head of Teaching & Learning
01268 560552
charlotte@debutacademy.com

Safeguards

Protection

This policy is designed to offer protection to those learners or employees of Debut who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety,

Confidentiality

Debut will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account will include:

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

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action may be taken against the individual.

Please refer to Debut's linked policies below for additional information regarding Whistle Blowing Standards:

- Anti-Harassment & Anti Bullying & Victimisation Policy
- Apprentice Expectation Policy
- Anti-Bribery & Fraud Policy
- Access to Fair Assessment & Appeals Policy
- Banned Substances Policy
- Code of Conduct – Staff Policy
- Code of Conduct – Learner Policy
- Complaints Policy
- Counselling Policy
- Communications Policy
- Confidentiality & Disclosure Policy
- Disciplinary Policy
- Data Protection/Privacy Policy
- Equal Opportunities & Inclusion Policy
- Employer Guidance Policy on Disciplinary for Apprentices
- Employer (Work Based) Support & Expectation Policy
- Freedom of Information Policy
- Grievance Policy
- Grading, Academic Standards & Feedback Policy
- Health & Wellbeing Policy
- Health & Safety Policy
- Induction Procedure – Staff Policy
- Induction Procedure – Learner Policy
- Internal Quality Assurance (IQA) Policy
- Learner Support & Super Group Policy
- Learner Safeguarding & Safeguarding Vulnerable Adults Policy
- Learner Positive Behaviour Management Policy
- Learner Contribution & Learner Voice Policy
- Lone Worker Policy
- Mentoring – Staff Policy
- Mentoring – Learner Policy
- Meetings Policy
- Off-Site Educational Trip & In Workplace Tutoring Policy
- Prevent Policy
- Promoting Fundamental British Values Policy
- Quality Assurance Policy
- Review & Appraisal – Staff Policy
- Right to Search Policy
- Safer Recruitment Policy
- Staff Confidentiality Policy
- Teaching & Learning Policy

Policy Revision

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