

Whistle Blowing

Created by: Lisa Metcalf, Senior Manager - HR	Date: 6 th March 2008
Reviewed by: Lisa Metcalf, Senior Executive, Business Management & Resource	Date: 10 th December 2015
Amended by: Lisa Metcalf, Senior Executive, Business Management & Resource	Date: 10 th December 2015
Approved by: Executive Team	Date: 12 th December 2015
Version: 3	

WHISTLE BLOWING (Raising Concerns)

PURPOSE

The organisation is committed to the highest standards of openness, integrity and accountability, therefore we recognise that an individual who raises a concern, are an asset not a threat.

It is good practice and there is a duty of care for individuals to draw attention to bad/poor practice in the workplace. It is the responsibility of individuals, who has a reasonable belief or concern to raise this with an Executive Team member.

Community Learning Partnerships promote a culture which values good practice and encourages 'whistle blowing'. There is a responsibility on individuals who have a reasonable belief, which is in the public interest, to act on any suspicion or evidence that might amount to malpractice concerning Charity business (including criminal offence, failure to comply to legal obligations, miscarriage of justice, endangerment of health and safety, environmental damage, deliberate concealment of the above).

The purpose of this policy is to ensure that individuals engaged with the charity have clear guidelines should they wish to report any matter that they are concerned about. It is intended to encourage individuals to raise concerns direct with the organisation, rather than overlooking a problem or discussing it externally.

AIMS AND SCOPE OF POLICY

- Provides avenues for you to raise concerns and receive feedback on any action taken
- Allows you to take the matter further if you are dissatisfied with the Executive Team or Board's response
- Reassurance that you will be protected from reprisals or victimisation for whistleblowing. Individuals who victimise whistleblowing colleagues could face personal liability.

PRINCIPLES

- Everyone should be aware of the importance of preventing and eliminating wrongdoing in the workplace. Individuals should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and dealt with in confidence, with the outcome of the investigation reported back to the individual raising the issue.
- The individual raising the concern must also however, have regard to maintaining confidentiality while the investigation and consideration is in progress.
- An individual who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because of their disclosure.
- The Charity may be or may become under an obligation to disclose either in confidence or otherwise to a third party during or after the Charity's own investigations. Subject to any legal constraints or legal advice the Charity will confirm such circumstances to the person that has raised the relevant concern.
- Individuals should not discuss their concerns with any third parties without first making the approaches, seeking, helping with, and giving reasonable time for satisfactory resolution of their

concerns as provided above. To go to a third party prematurely may amount to a breach of confidentiality that is a disciplinary matter, which will be dealt with accordingly.

- Disclosure to a third party without using the procedures outlined above is only permitted in the very limited circumstances set out in the Public Interest Disclosure Act 1998.
- Maliciously making a false allegation is a disciplinary offence which may result in dismissal.
- An instruction to cover up wrongdoing in itself is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a Senior Executive or Board Member.

PROCEDURE – HOW TO RAISE A CONCERN

This procedure is for disclosures/concerns about matters other than a perceived actual or potential breach of an employee's own contract of employment. If this is the case then the Grievance procedure must be followed.

Where an individual has reasonable belief malpractice is occurring, that is in the public interest, they must:

Stage 1 – In the first instance raise their concerns in writing direct to their Line Manager. This should include background and history, names, dates, locations and the reason why you are concerned. Where they believe their Line Manager to be involved, or for any reason does not want to approach their Line Manager, they the worker must proceed to stage 2.

Stage 2 – Where an individual feels that they cannot raise their concern with their Line Manager or it involves their line manager, then they must take it direct to an Executive Team member.

On receipt of a concern, a thorough investigation of the matter will be conducted, initially by the line manager if applicable or by an Executive Team member. The investigation may involve the person to demonstrate that there are sufficient grounds for the concern. Other individuals may need to be involved in giving written statements. Further evidence will be obtained, as the investigation progresses.

The investigating officer will, within 7 working days of receiving the concern, write to you to acknowledge receipt, how the matter is to be dealt with, what initial enquiries have been made and what, if any, further investigations are to take place.

Depending on the findings from the internal investigation, necessary action will be taken and where relevant referred to external agencies such as the Police and/or Social care.

If no external agencies are to be involved then where disciplinary action is required, the investigating officer will report the matter to the Executive team who will start disciplinary proceedings in line with internal procedures.

On conclusion of any investigation, the individual will be informed of the outcome and what action is proposed. If no action is to be taken, the reason for this will be explained.

Stage 3 – If an individual is concerned that their Line Manager is involved in the malpractice, has failed to conduct a proper investigation, or has failed to report the outcome of the investigation the individual can take their concern to an Executive Team or Board Member. They will review the concern and investigation and make further enquiries.



Stage 4 – If on the conclusion of the above stages and the individual believes that the appropriate action has not been taken then they can report the matter to an Executive Team or Board Member.

Where meetings are to be arranged, you have the right to be accompanied by a work colleague or union representative.

Where an individual is unhappy with the outcome of an investigation following a whistleblowing report, they can write direct to the Charities Commission by emailing whistleblowing@charitycommission.gov.uk

FALSE REPORTING

There may be instances where a concern is made, based on genuine belief by an individual, that later demonstrates to be false or inaccurate. In such circumstances, the individual will be informed of the discrepancy between their concern and the findings from the investigation. Provided the organisation is satisfied that the individual has acted appropriately and that such a situation should be reported, no further action will be taken.

If it become apparent during the investigation that the individual has made a false or malicious accusation or acted in a frivolous way or for their own personal gain then this will be dealt with via the organisations disciplinary procedures and could lead to termination of employment.