



PROGRESSIVE CONSULTANCY AND TRAINING

## Whistleblowing

### Policy and Procedure

#### Modification Overview:

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## **Disclosure:**

Progressive Consultancy and Training (PCT) seeks to take all reasonable steps to help ensure that it follows all policy and procedures that are outlined within this document. This policy is supported by robust procedures and appropriate guidance and can therefore be used in conjunction with other stated policies and procedures. Further information can be found on the PCT website or when contacting Angela Saunders or another member of the PCT staff.

### **1.1 What is Whistleblowing?**

1.1.1. In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Learning Centre.

1.1.2. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Learning Centre's work to come forward and voice those concerns.

### **1.2 What Complaints count as whistleblowing?**

1.2.1. You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety are in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

1.2.2. Employees are often the first to realise that there may be something seriously wrong within the Learning Centre. 'Whistleblowing' is viewed by the Learning Centre as a positive act that can make a valuable contribution to the Learning Centre's efficiency and long-term success. It is not disloyal to colleagues or the Learning Centre to speak up. The Learning Centre is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all its practices. To help achieve these standards it encourages freedom of speech.

1.2.3. If you are considering raising a concern you should read this Policy first. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and what the Learning Centre will do.

## 1.3. What is the aim of the Policy and when does it apply?

1.3.1. Aims of the Policy:

1.3.2. The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Learning Centre without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

1.3.3. It is also intended to encourage and enable you to raise serious concerns within the Learning Centre rather than ignoring a problem or 'blowing the whistle' outside.

1.4. This Policy aims to:

1.4.1. encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice

1.4.2. provide avenues for you to raise those concerns and receive feedback on any action taken

1.4.3. ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied

1.4.4. reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

1.5. What should be reported?

1.5.1. Any serious concerns that you have about service provision or the conduct of officers or members of the Learning Centre or others acting on behalf of the Learning Centre that:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with the County Learning Centre's Constitution and policies;
- fall below established standards of practice; or
- are improper behaviour.

1.5.2. These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct.

## **1.6. Protecting the Whistleblower**

1.6.1. Your legal rights:

1.6.2. This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

1.6.3. The Act makes it unlawful for the Learning Centre to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

1.6.4. Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Learning Centre cannot promise not to act against such an employee, but the fact that they came forward may be considered.

## **1.7. Harassment or Victimisation**

1.7.1. The Learning Centre is committed to good practice and high standards and to being supportive of you as an employee.

1.7.2. The Learning Centre recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

1.7.3. The Learning Centre will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

## **1.8. Support to you**

1.8.1. Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- the County Learning Centre will do all it can to help you throughout the investigation

1.8.2. If appropriate, the Learning Centre will consider temporarily redeploying you for the period of the investigation.

1.8.3. For those who are not Learning Centre employees, the Learning

Centre will endeavour to provide appropriate advice and support wherever possible.

## **1.9. Confidentiality**

1.9.1. All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to act as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

## **1.10. Anonymous Allegations**

1.10.1. This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

1.10.2. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Learning Centre. In exercising this discretion, the factors to be considered would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

## **1.11. Untrue Allegations**

1.11.1. If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the County Learning Centre will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

## **1.12. Raising a Concern**

- Who should you raise your concern with?
- This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:
  - Your Centre Manager
  - Your Corporate Director via email at [asaunders@pct.one](mailto:asaunders@pct.one)

1.12.1. If, exceptionally, the concern is about the Manager of the Learning Centre your concern should be raised with the Director of the Learning Centre who will decide how the investigation will proceed. This may include external investigation.

1.12.2. If you are unsure who to contact, the independent charity Protect can advise you. They offer a free and confidential helpline on 020 3117 2520.

## **1.13. How to raise a concern**

1.13.1. You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to act. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates)

1.13.2. Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the Learning Centre and there are reasonable grounds for your concern.

1.13.3. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

## **1.14. What the Learning Centre will do**

1.14.1. The Learning Centre will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

1.14.2. The overriding principle for the Learning Centre will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

1.14.3. The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

1.14.4. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
  - be referred to the police
  - be referred to the external auditor
- be referred and put through established child protection/abuse procedures
  - form the subject of an independent inquiry
- Within ten working days of a concern being raised, the person investigating your concern will write to you:
  - acknowledging that the concern has been received
- indicating how the County Learning Centre proposes to deal with the matter
  - supplying you with information on staff support mechanisms
  - telling you whether further investigations will take place and if not, why not.

1.14.5. The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

1.14.6. Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

1.14.7. The Learning Centre will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Learning Centre will arrange for you to receive appropriate advice and support.

1.14.8. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

## **1.15. The Responsible Officer**

1.15.1. The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy.

## **1.16. How the Matter can be Taken Further**

1.16.1. This Policy is intended to provide you with an avenue within the Learning Centre to raise concerns. The Learning Centre hopes you will be satisfied with any action taken.