



ReEngagEd Alternative Provision

Whistleblowing Policy

Approved by:	S. Casey
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1. Introduction

- 1.1 ReEngagEd is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.
- 1.2 ReEngagEd's Whistleblowing Policy is a vital element of our governance arrangements and is designed to allow those employed by ReEngagEd and/or members of the public to come forward and raise both disclosures and serious allegations of wrongdoing involving the actions of the ReEngagEd employees, its Trustees, contractors or any aspect of ReEngagEd's activities.
- 1.3 As such ReEngagEd is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.
- 1.4 Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace.

This can include:

- criminal offences;
 - failure to comply with a legal duty;
 - miscarriages of justice;
 - fraud or corruption;
 - abuse of authority;
 - serious breaches of Council policy or procedure;
 - unethical conduct and actions deemed unprofessional or inappropriate; this could include breaches of regulations requiring ReEngagEd Trustees to 'act with integrity, objectivity and honesty and in the best interests of the Alternative Provision and breaches of the 'Nolan Principles' which are the basis of ethical standards expected of public office holders (Appendix B);
 - the health and safety of any individual has been, or is likely to be, endangered;
 - the environment has been, is being or is likely to be, damaged
 - information about any of the above has been, is being, or is likely to be, deliberately concealed.
- 1.5 This policy seeks to set out how ReEngagEd will handle and respond to serious allegations of perceived wrongdoing irrespective of whether the individual raising the concern is employed by the ReEngagEd or not. This policy has been developed using Manchester City Council's Whistleblowing Policy and is closely aligned to the Council's policy.

2. Aims and Scope

- 2.1** Our whistleblowing policy seeks to cover all disclosures and allegations made by employees of ReEngagEd, including temporary and agency staff.
- 2.2** It also extends to any other individual who wants to raise an allegation of perceived wrongdoing. This could include consultants, contractors, sub-contractors who are engaged in work for ReEngagEd or anyone who uses ReEngagEd's services or any member of the public.
- 2.3** This policy has specific sections to advise those employed by ReEngagEd and members of the public of the process to be followed when raising a disclosure or allegation and how ReEngagEd will respond.
- 2.4** The policy seeks to:
- provide for a culture of zero tolerance toward fraud and corruption and deter wrongdoing;
 - encourage employees and others with serious concerns about any aspect of ReEngagEd's work to feel confident to come forward and voice those concerns;
 - raise concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
 - provide safeguards to reassure those who raise concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;
 - set out who allegations should be made to within ReEngagEd (and outside where appropriate) and how ReEngagEd will respond to allegations made and how feedback can be obtained on any action taken;
 - ensure that employees know what to do if they are not satisfied with actions taken.
- 2.5** The whistleblowing policy is not to be used where other more appropriate internal reporting procedures are available. ReEngagEd has existing procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a general complaint, which by contrast, generally have no additional public interest dimension.
- 2.6** This whistleblowing policy covers concerns that fall outside the scope of those existing internal procedures. Equally, any allegations made through the above procedures, which raise serious concerns over wrongdoing, ReEngagEd will investigate under the whistleblowing process.

- 2.7** Any individuals who are raising concerns relating to money laundering offences or Proceeds of Crime Act 2002 are required to report these concerns directly to the Money Laundering Reporting Officer (MLRO) in line with the Anti-Money Laundering Policy.

3. What is Whistleblowing?

- 3.1** Whistleblowing is the confidential disclosure by an individual of any concerns relating to a perceived wrongdoing involving any aspect of ReEngagEds work or those who work for ReEngagEd. The whistleblowing policy assists individuals, who believe they have discovered malpractice, impropriety or wrongdoing, to raise a concern, in order that this can be addressed.
- 3.2** The Public Interest Disclosure Act 1998 (PIDA) is known as the Whistleblowing law and is designed to encourage and enable employees to “speak out” and to report suspected wrongdoing at work. This is commonly known as “blowing the whistle”.
- 3.3** PIDA legislation legally protects employees (including temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a result of making a “protected disclosure” (a qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.
- 3.4** A qualifying disclosure means any disclosure of information made to the employer (this can be either via the board of Trustees, Headteacher or in some circumstances directly to the Local Authority) or other prescribed regulator, which in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following;
- a) that a criminal offence has been committed, is being committed or is likely to be committed;
 - b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
 - c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - d) that the health or safety of any individual has been, is being or is likely to be endangered;
 - e) that the environment has been, is being or is likely to be damaged; or
 - f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed
- 3.5** A disclosure of information is not a qualifying disclosure if the person making the disclosure commits an offence by making it.
- 3.6** A prescribed regulator is someone who is independent of the employee’s organisation, but usually has an authoritative relationship with the organisation, such as a regulatory or legislative body.

- 3.7 Whilst protection under PIDA covers most workers it is not extended to partners, contractors, non-executive directors, volunteers or the self-employed. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than employees of ReEngagEd. As with internally reported cases, particular consideration needs to be given to matters of confidentiality.

4. Making a disclosure or raising a concern

- 4.1 Once an employee or other has decided to raise a concern, then wherever possible, it should be expressed either verbally or in writing. This should set out the background and history of the concern, giving names, dates and places where possible, and the reason why the individual is particularly concerned about the situation.
- 4.2 Although individuals raising concerns are not expected to have supporting evidence to prove the truth of an allegation before reporting, he or she must reasonably believe that the information is substantially true to enable the matter to be taken forward.

5. Whistleblowing by members of the public

- 5.1 If you are not a ReEngagEd employee you can still contact EeEngagEd to report any concerns or disclosures over wrongdoing and these will be treated in the same way. Unlike disclosures made by employees, protection under PIDA law does not extend to disclosures made by members of the public.

6. Whistleblowing by employees

- 6.1 It is the hope and intention of ReEngagEd that any employee with a concern about any aspect of the ReEngagEd's operations or its conduct, feels able to first raise those concerns internally, this includes where an employee wants to make a protected disclosure. In the first instance concerns should be raised with the Headteacher, where the concern relates to the Headteacher or the individual raising the concerns feels it would not be properly handled, they should report the concern to the host school of the students or Manchester City Council.
- 6.2 If the concern relates to both parties or the individual feels it will not be properly handled then the report should be made to Manchester City Council or OFSTED.
- 6.3 However, under the terms of PIDA, if an employee does not feel comfortable making a disclosure internally within ReEngagEd or to the Council they have the right to take their concerns outside the employer to certain 'prescribed regulators'. The link below provides a list of other 'prescribed regulators' to whom you make a protected disclosure:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf

- 6.4 Before making a disclosure, an employee may first wish to discuss the concern on a confidential basis with a work colleague, trade union representative, solicitor or professional body and seek advice on how to proceed. These discussions may help assess how justified their concern is and, if they then wish to proceed, the most appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the PIDA.
- 6.5 Additional information about PIDA law can be obtained from the Whistleblowing Charity Protect (formally Public Concern At Work (PCaW)), which contributed to the formulation of the PIDA and is a legal advice centre designated as such by the Bar Council. For information visit www.pcaw.org.uk or telephone their advice line 0800 1124408.
- 6.6 Employees are protected when they make a disclosure. In making a protected disclosure the employee must:
- reasonably believe that the disclosure they are making is in the public interest;
 - reasonably believe that the information detailed and any allegation in it are substantially true; and
 - the matter disclosed must fall within the matters prescribed for that regulator.
- 6.7 The earlier an employee expresses a concern, the easier it will be to take action. Employees should raise a concern as soon they have a reasonable suspicion and are not expected to investigate the concern themselves to prove their suspicions are well founded.
- 6.8 Safeguarding concerns - if the concern raised relates to a child protection issue, these should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in ReEngagEd's safeguarding policy and procedures.
- 6.9 Employees who have major concerns about other ReEngagEd services can report these matters to Manchester City Council.

7. How to report a whistleblowing concern

- 7.1 Anybody who has a whistleblowing concern relating to ReEngagEd can use our whistleblowing reporting procedures. A person who wishes to report a concern or suspected serious wrongdoing (a disclosure) should report it in one of the following ways:

Headteacher

- E-mail your concerns directly to the Headteacher on s.casey@reengaged.co.uk
- By telephone on 07927 339 318
- In writing to ReEngagEd Ltd, 1 Lilac Rd, Hale, Altrincham WA15 8BJ

- In person with the Headteacher (members of the public should contact ReEngagEd to arrange an appointment with the Headteacher)
- If the person raising the concern does not feel it will be properly dealt with or it is not appropriate to report their concern to the Headteacher they should report it to the Managing Director.

Managing Director

- E-mail your concerns directly to the CEO on director@reengaged.co.uk
- By telephone on 07927 339 318
- In writing to Managing Director, ReEngagEd, 1 Lilac Rd, Hale, Altrincham WA15 8BJ
- In person with the Managing Director (members of the public should contact ReEngagEd to arrange an appointment with the Managing Director)

If the person raising the concern does not feel it will be properly dealt with or it is not appropriate to report their concern to the Managing Director they should report it to the Council via Internal Audit.

Manchester City Council Internal Audit

- E-mail your concerns to Internal Audit at: Whistleblowing@manchester.gov.uk
- By telephone: Whistleblowing hotline on 0161 234 5280
- Use the Council's secure online Whistleblowing reporting form:
- <https://secure.manchester.gov.uk/forms/form/606/en/whistleblowing>
- Concerns can also be reported in writing to:
Head of Internal Audit and Risk Management,
Confidential
Manchester City Council,
Floor 5, Town Hall Extension, Mount Street Elevation
Manchester, M60 2LA

If the person raising the concern feels they cannot report it within ReEngagEd or Council they can report it to a prescribed regulator, See section 6.3 for more information.

7.2 Any person reporting a concern should provide as much information as possible, including:

- who the allegations are against;
- full details on the nature of the alleged wrongdoing;
- provide any evidence they have in support of the allegation;
- state if the person making the disclosure is an employee of the ReEngagEd;
- if not, does the person work in another ReEngagEd or Council department;
- whether the person is a service user or member of the public;
- name and contact details (unless they wish to remain anonymous).

- 7.3 In the event that an employee does not feel comfortable in making a disclosure to ReEngagEd or Council then you are entitled to make a protected disclosure to one of the prescribed organisations listed.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf

8. How ReEngagEd will respond

- 8.1 ReEngagEd or Council will formally respond to you to acknowledge receipt of a disclosure within 2 working days of the concern being received.
- 8.2 A further acknowledgement will be sent within 10 working days to indicate:
- how ReEngagEd or Council proposes to deal with the matter; and the policy under which it will be investigated;
 - whether ReEngagEd or Council considers it to be a protected disclosure;
 - contact details for the officer handling the investigation;
 - arrangements for confidentiality;
 - an estimate of how long it will take to provide a response on the outcome;
 - any initial enquiries which may have been made;
 - if no action is planned, why not.
- 8.3 All allegations will be handled confidentially and discreetly by those who are directly involved in the investigating process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.
- 8.4 If necessary, further information will be sought from the whistleblower. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
- 8.5 At any meeting arranged to discuss an employee's concerns the employee has the right, if they so wish, to be accompanied by their Trade Union representative or a friend who is not involved in the area to which the concern relates.
- 8.6 ReEngagEd will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedures in terms of what will happen and what will be expected of you.

9. Anonymous allegations

- 9.1 ReEngagEd recognise that there may be circumstances where individuals are worried about being identified when they report concerns about their employer. If you have come to us anonymously and not provided your contact details we will treat your allegations just as seriously. However, this policy encourages individuals to put their name to an allegation wherever possible as we believe that open or confidential

whistleblowing is the best means of addressing the concerns and protecting individuals.

9.2 Concerns expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. Nevertheless, anonymous allegations will always be individually considered and action taken at the discretion of the Headteacher/Managing Director upon:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources.

10. Outcomes

10.1 ReEngagEd will, subject to legal constraints, seek to advise the whistleblower on the outcomes of the investigation in order to assure them that the matter has been properly addressed. Some concerns raised may be resolved by agreed action, once the whistleblowers concerns have been explained, without the need for investigation.

10.2 Investigation reports/Case Records (example in Appendix A) will be compiled for all cases. A copy of the report will be held securely by ReEngagEd. Internal Audit may carry out follow up work as a result of any identified areas of risk in conjunction with ReEngagEd.

11. Role of the person receiving the complaint

11.1 The first thing that the person receiving a potential Whistleblowing concern must do is judge if the concern is a protected Disclosure and should be investigated under the Whistleblowing policy, in order to do the recipient should refer to section 3, with particular reference to section 3.4.

11.2 Internal Audit can offer advice and support to ReEngagEd on making this decision and on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.

11.3 The recipient must ensure that they follow the timescales set out in section 8 of this document.

11.4 The action taken by ReEngagEd in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:

- investigated by ReEngagEd management, or Council's Internal Audit Service;
- referred to the Police;
- referred to the External Auditor;

- subject of an independent enquiry.

11.5 For monitoring purposes the Headteacher or Managing Director must log at the earliest opportunity the details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within ReEngagEd.

12. Confidentiality and anonymity

12.1 ReEngagEd's Whistleblowing Policy seeks to protect the identity of the individual making a disclosure, meaning that your name will not be revealed without your explicit consent, even if the disclosure is not considered to be a qualifying disclosure under the PIDA. Your name will initially be logged at the outset and will be visible at times when data monitoring is taking place.

12.2 However, in alleged cases of serious wrongdoing, it must be appreciated that ReEngagEd cannot guarantee that this will be maintained particularly if external legal action results from the disclosure. In some cases an employee's concern may require further action and they may have to act as a witness and/or provide evidence, for example serious criminal offences which are referred to the Police.

12.3 If your disclosure relates to a child at risk or abuse of a vulnerable adult then ReEngagEd is required to investigate this under separate procedures and this takes priority over any request for anonymity. If you have provided your contact details, ReEngagEd will of course advise you of the action being taking.

13. Harassment or victimisation

13.1 ReEngagEd acknowledges that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. Any employee who makes a 'qualifying disclosure' which meets the requirements of the PIDA is legally protected against victimisation or harassment for whistleblowing.

13.2 ReEngagEd will not tolerate harassment or victimisation against an employee who has raised a genuine concern under the whistleblowing policy. Any employee who victimises a whistleblower will be subject to a disciplinary action which may lead to dismissal.

13.3 The Headteacher should monitor how whistleblowers are subsequently treated after raising a matter of concern. They should ensure that any harassment or victimisation is dealt with under disciplinary arrangements.

13.4 Any employee who believes they have been victimised as a result of making a disclosure or blowing the whistle should report their concerns to the Headteacher or Managing Director

14. False and malicious allegations

14.1 While encouraging employees to bring forward matters of concern, ReEngagEd must guard against claims which are untrue. This is because of the risk of claims made to deliberately damage the reputation of other employees or ReEngagEd as a whole and not least because the cost of investigation is high

14.2 If an employee makes an allegation, but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken. The PIDA only offers protection from dismissal or detriment if the worker reasonably believes their disclosure was made in the public interest.

15. Misuse of the policy

15.1 The Whistleblowing Policy is designed to promote and encourage reporting genuine concerns. The policy is not designed to allow:

- individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
- employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
- an individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

16. Data Protection and FOI

16.1 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. As such ReEngagEd and/or Council often receives requests for information under the Freedom of Information Act.

16.2 ReEngagEd and Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.

16.3 The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:

- Section 40 Personal Data;
- Section 41 Information which, if disclosed, would give rise to an actionable breach of confidence.

- 16.4 Many people making a disclosure to ReEngagEd will wish to protect their identity and ReEngagEd will always seek to protect the identity of individuals during the course of progressing an investigation. If ReEngagEd or Council receives a request for information identifying a whistleblower, ReEngagEd or Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.
- 16.5 The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.
- 16.6 When processing personal data as part of a whistleblowing allegation, ReEngagEd and Council will take all necessary precautions to protect such data and not to share it more widely than is necessary as part of the investigation. The Council will apply the General Data Protection Regulations and Data Protection Act 2018 in all aspects of any whistleblowing investigation.

17. Training and Awareness

- 17.1 The Headteacher is responsible for ensuring that their employees are aware of the whistleblowing policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of ReEngagEd's Whistleblowing Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.
- 17.2 Employees have a responsibility to ensure that they are aware of and understand ReEngagEd's policy in relation to Whistleblowing.