



## **Whistleblowing Policy**

Harmony AE LTD is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

### Introduction

Whistleblowing has been defined as: 'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997).

Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 ("PIDA"). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA

This policy applies to all Harmony AE LTD staff including full and part time, casual, temporary staff and to individuals undertaking work experience with Harmony AE LTD.

Harmony AE LTD is committed to high standards in all areas and will treat whistleblowing as a serious matter. Members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with Harmony AE LTD policies so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This policy covers whistleblowing relating to alleged:

- unlawful conduct



- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to children, young people, vulnerable adults and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to property
- sexual, physical or emotional abuse
- racist incidents or acts, or racial harassment
- any attempt to prevent disclosure of any of the issues listed.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow.

#### Safeguard Against Reprisal, Harassment and Victimisation

Harmony AE LTD will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions.

#### Confidentiality

Harmony AE LTD recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However, investigation into the concern could reveal the source of the information. Statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistleblower is likely to be called in to give evidence in court.

#### Anonymous Allegations

Staff should put their name to allegations whenever possible. Nonetheless anonymous allegations may be considered under this whistleblowing procedure, especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous



allegation will be taken forward Harmony AE LTD will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

### Untrue and Malicious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or made for personal gain then Harmony AE LTD will consider taking disciplinary action against the member of staff.

### Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the owners of Harmony AE LTD will consult the Local Authority Head of Safeguarding. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the Social Care (01626 683150) either before raising their concern with the owners of Harmony AE LTD or where the owners of Harmony AE LTD fail to do so after raising their concern and the member of staff remains concerned about the situation.

### Procedure for Making a Whistleblowing Allegation

Concerns should be expressed in writing to the owners if Harmony AE LTD. If the concerns involve the owners of Harmony AE LTD then then the member of staff should contact the referring school or local authority and follow their whistle blowing procedure. Where a young person or vulnerable adult has not been referred through a school or Local Authority then they are advised to contact RBWM/AFC on 01628 683800. It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Concerns should be in writing for the avoidance of doubt. Concerns should include the background and history of the concern; giving names, dates and places where possible, and explaining the reason for concern. If a member of staff feels unable to put the matter in



writing they can still raise their concerns verbally and should telephone or arrange to meet the appropriate person. They can also contact their union or professional association to raise the matter on their behalf or to support them in raising the concern.

### Timescale for Response

The member of staff will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing the member of staff of support available whilst matters are investigated
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that the member of staff can remain anonymous.

### The Process

The investigating officer will:

- look into the allegation - seeking evidence and interviewing witnesses as necessary.
- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.
- if appropriate, bring the matter to the attention of the Local Authority
- if appropriate, for concerns of criminal behaviour refer the matter to the Police.
- if appropriate, for concerns of child protection, refer the matter to Social Care

The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the investigating officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.



The target is to complete the investigation within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

### The Investigation Report

Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless they have expressly stated that they wish to be named.

If the investigation was carried out by a person other than the owners of Harmony AE LTD the written report must be submitted to the owners of Harmony AE LTD to determine what further action (if any) is required. When considering further actions, the owners of Harmony AE LTD must act on any recommendations made in the report.

If no action is to be taken and the member of staff is not satisfied with the way the matter has been dealt with, they can make a complaint under the complaints procedure or raise concerns with other organisations as listed below:

- the local authority
- a relevant professional body or regulatory organisation (eg GTCW)
- the Children's Commissioner for England
- the Care and Social Services Inspectorate for England
- a solicitor
- the Police - for concerns of criminal behaviour
- a trade union or professional association
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk)).

Dated: October 2018

Signed:  

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