

Tumblewood Community

April 2015

Whistleblowing

Record of Amendments

Change Number	Authority	Date of Insertion	Signature
Version 1-4	Registered manager	August 2014	
Version 5 Complete Revision	Registered Manager	April 2015	

Tumblewood

Tumblewood Community

1. In these guidelines, the term 'whistle blowing' means the confidential raising of problems or concerns within an organisation by a member of staff. The proper name for whistleblowing is 'protected disclosure'. This is not 'leaking' information but refers to matters of impropriety, for example a breach of law, school procedures or ethics.
2. The Public Interest Disclosure Act 1998 provides the supporting legislation for such a policy and is, "An Act to protect individuals who make certain disclosures in the public interest to allow such individuals to bring action in respect of victimisation; and for connected purposes."
3. It is not appropriate for staff to blow the whistle about breaches of their own employment contract. Such matters would be dealt with under the Tumblewood's Grievance Procedures.

SCOPE OF THE POLICY

4. The staff of Tumblewood Community seek to run all aspects of the business and activity with full regard for high standards of conduct and integrity. If members of staff, school staff, parents, Directors or the community at large become aware of activities which give cause for concern, we have this whistle blowing policy. This acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion under the appropriate internal procedures, e.g. disciplinary procedure.
5. We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the Tumblewood environment but also has recourse to an external party outside the management structure of the company.
6. This Policy should be read in conjunction with the Safeguarding Policy.

APPROPRIATE CIRCUMSTANCES FOR WHISTLEBLOWING

7. Individuals are encouraged to come forward with genuine concerns knowing they will be taken seriously. A whistle blower should ask themselves a few questions about their concern before taking action:
 - a. Do you believe it is in the public interest to take action?

- b. Is it a criminal offence?
 - c. Is the environment damaged, or likely to be damaged?
 - d. Is it, or do you believe it to be, illegal?
 - e. Is it, or do you believe it to be, against codes of practice issued by the school, the Local Authority, the Department for Education or a professional body?
 - f. Does it contradict what the employee has been taught, or should have been taught?
 - g. Is it about an individual's behaviour or is it about general working practices?
 - h. Has the whistle blower witnessed the incident?
 - i. Does it constitute the covering up of wrongdoing?
8. If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.
9. Examples of the kinds of activity or behaviour that might raised by a whistle blower include:
- a. Manipulation of accounting records and finances
 - b. Inappropriate use of company assets or funds
 - c. Decision making for personal gain
 - d. Any criminal activity
 - e. Damage to the environment of the community, to property belonging to the community or a member of the community
 - f. Dangerous practices

- g. Child protection issues including sexual, emotional or physical abuse of pupils or others
- h. Abuse of position
- i. Fraud and deceit or corrupt practices
- j. Serious breaches of company procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest)
- k. Other unethical conduct, including the circulation of inappropriate e-mails
- l. Suppressing information about anything listed above

10. Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the governing body will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

11. There are, however, circumstances under which complete confidentiality may be difficult for the Directors to maintain. For example:

- a. If the matter leads to a legal procedure and evidence is required by the court.
- b. If the issue raised comes within the remit of another Tumblewood procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.

12. Anonymous allegations will only be considered if the issues raised are **either**:

- a. Very serious, **or**
- b. The credibility of the allegation is considered to be high, **or**
- c. The likelihood of confirming the allegation is high

13. Whistleblowers are protected by law from dismissal, harassment, bullying or other detriment by Tumblewood or other members of staff with whom you work. If this occurs, the whistleblower has the right to take their case to an employment tribunal.

PROCEDURE

Stage 1

14.1 As the first step, you should raise the matter with an appropriate level of line management, which would normally be your own line manager. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) is involved, you should approach the Designated Safeguarding Lead or in their absence their Deputy or the Directors.

14.2 Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy.

14.3 You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.

14.4 If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.

14.5 If the allegation is made orally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.

14.6 If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.

14.7 If you have raised the issue orally, you will be asked to put your concerns into writing; which you should date and sign. You will be told what steps the line manager intends to take to address the concern. He/she may be able to take the appropriate steps to investigate the matter raised. Alternatively, he/she may refer the matter to a member of the senior management team, the Registered Manager, the Executive Manager for Care and Education or the Directors.

14.8 Once the issue has been raised, you will be contacted within five working

days by the Registered Manager who will arrange to meet to discuss the matter. Again, a friend or trade union/professional association representative may accompany you for the purposes of giving support.

14.9 Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.

14.10 Depending on the gravity of the allegation, the Registered Manager will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example, for the company's disciplinary policy or even a matter for the police.

14.11 An initial response will be given within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.

14.12 When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.

14.13 The line manager/Registered Manager will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the Registered Manager or Directors.

Stage 2

15. If you are dissatisfied with the company's response, you can raise the matter within 10 working days of the date of the company's response by writing to the Registered Manager or Directors.

16. The Registered Manager/Directors will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.

17. The Registered Manager/Directors may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

Stage 3

18. If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within 10 working days of the date of

the decision letter at stage 2, with any of the following, as appropriate:

- a. The relevant professional bodies, regulatory organisations or a recognised trade union
- b. A solicitor
- c. A county councillor or your local member of parliament
- d. The local government ombudsman
- e. The police
- f. Any of the prescribed people or bodies recommended in the Government Publication: 'Blowing the whistle to a prescribed person: a list of people and bodies' available from www.gov.uk.
- g. In taking your concern outside the company, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

MONITORING AND REVIEW

17. The Registered Manager will be responsible for monitoring the implementation and effectiveness of this policy. It will be reviewed by the Directors as necessary.