

Whistleblowing Policy



Education & Skills
Funding Agency

Publication no.	1.1
Creator	Mark Green
Job title	Director
Email	mark@arenalearning.co.uk
Phone	01942 230 292
Date created	April 2022
Date Reviewed	April 2023
Next Plan Review	April 2024

Introduction

All staff at one time or another have concerns about what is happening at work. More often than not, these concerns are relatively minor and can be easily resolved. Openness, integrity and accountability are vital components of public service. Employees who discover lapses in these areas must be encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as 'Whistleblowing'. These issues will be taken seriously and treated in a confidential manner.

The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss someone on the grounds that they undertook a 'protected disclosure' (i.e. a disclosure made in good faith with a reasonable belief that there has been malpractice or impropriety), and compensation in these circumstances is unlimited. In order for staff to be protected under this law they must take reasonable steps to raise the matter internally first before going outside the organization and reporting their concerns such as to the press.

The policy applies to all ARENA LEARNING based employees and those contractors working for the ARENA LEARNING or on Partner premises, including temporary and agency staff, it also covers suppliers and those providing services under a contract with the ARENA LEARNING in their own premises.

Purpose of Whistleblowing Policy

This purpose of this policy is to:

- encourage employees to feel confident in raising serious concerns
- provide avenues for staff to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety and have made a disclosure in good faith.

Examples of areas covered

The Policy is intended to cover the following areas of concern:

- lapses in child protection provision;
- conduct which is an offence or a breach of the law/statutory powers;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees
- damage to the environment;
- unauthorised use of funds including action against Standing Orders or Financial Regulations;
- possible fraud and corruption;
- any other unethical conduct or improper conduct; or concealment of any of the above.

When to raise a concern

Where they become aware of or suspect that unauthorized or irregular activity is taking place, there is a duty for employees to report such wrong doings. Employees may, however, be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling that it is none of their business or that it is only a suspicion. Additionally, there might be a feeling that raising the matter would be disloyal to colleagues, managers or the organisation. There is also the danger of saying something but finding out the wrong person has been notified or that the issue has been raised in the wrong way.

This policy has been put in place to enable employees to raise their concerns about such malpractice at an early stage and in the right way. It is better that the matter is raised when it is a concern rather than wait for proof. Employees are encouraged to use this policy if ever there is an occasion when an issue is troubling or is of concern. The whistle blowing policy is primarily for concerns where the interests of others or the ARENA LEARNING itself is at risk.

ARENA LEARNING is committed to this policy. Any employee raising a genuine concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result. Provided it is an act of good faith, it does not matter if an employee is mistaken. Of course, this assurance is not extended to anyone who maliciously raise a matter they know is not true.

ARENA LEARNING will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognize that someone might want to raise a concern in confidence under this policy. If an employee asks to have their identity protected, it will not be disclosed without their consent. If the situation arises where we are not able to resolve the concern without revealing an employee's identity (for instance because their evidence is needed in court) this will be discussed fully with them as to whether and how we can proceed.

Remember that if an employee does not disclose who they are, it will be much more difficult for us to look into the matter or to protect their position or to give them feedback. Accordingly, while we consider anonymous reports, this policy is not well suited to concerns raised anonymously.

Raising a Concern

All raised concerns are investigated, and every effort is made to ensure confidentiality for all parties.

Stage 1

All concerns should be made in person or in writing.

At any future meeting the employee may be accompanied by a colleague or their trade union representative.

Stage 2

Within 10 working days the person with whom the concern has been registered acknowledges receipt in writing. The letter will state the following:

- How the concern will be dealt with;
- How long it will take to provide a final response;
- Information on employee support services.

Stage 3

After initial enquiries have been conducted, a decision will be made if an investigation should take place. The investigation will be either:

- an internal investigation;
- a referral to the police;
- an external independent

enquiry

Stage 4

The employee will be informed in writing of the outcome of the investigation by the Managing Director

The employee has the right to take their concern to an independent body if they feel it has not been addressed adequately.

How To Raise A Concern

Concerns can be raised by phone or in writing. Any concern should be raised at the earliest opportunity. The more information that can be supplied, including dates, times, details and names, the greater the opportunity to establish the facts. Although staff will not be expected to prove beyond doubt the truth of the allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern. Malicious allegations may lead to disciplinary action being taken.

Staff should raise concerns with the HR Manager. If the concern relates to the HR Manager, the Head of Centre must be contacted.

- HR Manager
- Head of Centre

Staff should seek advice the trade union/professional body and may also seek advice from the Citizens Advice Bureau or the police.

Concerns are better raised in writing. This sets out the background and history of the concern.

All raised concerns are investigated, and every effort is made to ensure confidentiality for all parties.

Raising Awareness of the Policy

We will raise awareness of this policy via:

- the Staff Handbook

Training

All ARENA LEARNING personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction and periodically which specifically covers:
 - ARENA LEARNING's whistle blowing procedures
 - Confidentiality
 - Safeguarding and Child Protection

Role of the HR Manager

HR Manager will:

- ensure all ARENA LEARNING personnel and volunteers are aware of and comply with this policy;
- encourage all ARENA LEARNING personnel to raise any concerns they have regarding actual or potential breaches of duty or a failure by the ARENA LEARNING;
- provide support for a member of staff who has raised a concern;
- provide support for a member of staff against whom allegations have been made;
- keep both parties informed of all progress during any investigation;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;

Role of ARENA LEARNING Personnel

ARENA LEARNING personnel have a duty to speak out against and report any:

- criminal offence that has been committed, is being committed or is about to be committed;
- person who has failed, is failing or is about to fail compliance with any legal obligation that they are subject to;
- miscarriage of justice that has occurred, is occurring or is likely to occur;
- health and safety issue that has endangered, is endangering or is likely to endanger any person;
- damage to the ARENA LEARNING environment that has been committed, is being committed or is about to be committed

ARENA LEARNING personnel, who speak out against and report any of the above, will receive support from the Directors. The

Directors will give support to any member of the ARENA LEARNING personnel against whom allegations have been made.

ARENA LEARNING personnel have a duty to the ARENA LEARNING not to disclose confidential information. However, in accordance with the provisions of the Public Interest Disclosure Act 1998 this does not prevent an employee from seeking independent advice nor discussing their concern with the charity Public Concern at Work.

Related documentation

- Employment Rights Act 199
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999
- Public Interest Disclosure (Prescribed Persons) Order 1999
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order