

Whistleblowing Policy

Policy aims

This policy outlines Evermore Education's approach to employee disclosures or 'whistleblowing'. Evermore Education is committed to providing a working environment to protect the health, safety and welfare of all its employees and tutors. It is also committed to the highest possible standards of openness and accountability and will not tolerate malpractice or wrongdoing. This policy therefore aims to protect individuals who make disclosures with regard to any instance of malpractice or wrongdoing in the public interest. Specifically, it aims to:

- provide a process for tutors and employees to raise genuine and legitimate concerns about incidents of misconduct or malpractice including safeguarding concerns
- give a commitment that misconduct and malpractice is taken extremely seriously
- ensure confidentiality, to provide reassurance that tutors and employees who raise concerns in good faith can do so without fear of reprisals or victimisation
- provide guidance setting out arrangements and procedures for applying the policy
- allow Evermore Education to give guidance where appropriate or to appoint other appropriate agencies to conduct an investigation on behalf of Evermore Education and to take appropriate action to resolve the situation.

Whistleblowing meaning

Whistleblowing is a term that describes arrangements which allow persons, usually employees, to express concerns about types of malpractice that may be occurring in the workplace. This could be something that is, or may be:

- an unlawful or a criminal offence
- a breach of a legal obligation
- in disregard of health and safety legislation
- against financial regulations
- improper conduct
- inappropriate or unauthorised use of school funds
- a deliberate cover up of information tending to show any of the above

Whistleblowing arrangements are closely linked to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and in confidence,

and will be fully investigated. The arrangements also allow for concerns to be expressed outside the normal line management structure, if necessary.

If employees or tutors become concerned that there may be something seriously wrong within Evermore Education, they must feel that they can express/report these concerns without feeling 'disloyal' or a fear of harassment or victimisation. Evermore Education will therefore continue to encourage employees or tutors who have serious concerns of misconduct or malpractice to come forward and voice those concerns. This policy makes it clear that they can do so without fear of reprisals or victimisation.

Whistleblowing arrangements also recognise that it is possible that allegations of wrongdoing may be false or malicious; this policy therefore also makes it clear that false allegations will be treated as a serious disciplinary offence.

Confidentiality

Evermore Education will do everything possible to protect a tutor's or employee's identity when a concern is raised and where the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings.

Anonymous concerns

All complaints will be considered and investigated but the level of investigation will depend upon the nature of the allegations; the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegations from attributable sources.

Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. It will not of course be possible to report any findings back to the complainant in these circumstances.

False and malicious allegations

While encouraging employees and tutors to bring forward matters of concern, Evermore Education will guard against bogus claims made to deliberately damage the reputation of other employees or tutors.

If an employee/tutor makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if an allegation is found to be

malicious, it will be treated as a serious offence and appropriate disciplinary action may be taken.

Employees and Tutors responsibilities

It is the responsibility of all employees and tutors to ensure that their own behaviour is appropriate to their role within Evermore Education and that it does not contribute to an environment in which malpractice or wrong doing is either ignored, condoned or encouraged. They should challenge such behaviour if it occurs, and/or bring it to the attention of Evermore Education Co-Directors.

Evermore Education responsibilities

Evermore Education has a duty to establish and maintain a positive and accountable working environment. In particular, Evermore Education is responsible for:

- communicating the policy to all employees and tutors in such a way as to promote its understanding and that it is easily accessible
- managing employees and tutors in a professional and sensitive manner
- ensuring that it instils a culture where malpractice and/or wrong doing is unacceptable
- taking all concerns raised seriously, ensuring that appropriate action is taken to address the matter promptly in a sensitive and confidential manner
- making it clear that a malicious allegation is a serious matter and will not be tolerated
- meeting legal duties and responsibilities and acting at all times within the legal framework

How do I raise a concern?

Evermore Education acknowledges that, for an employee or tutor, the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. Evermore Education will not tolerate harassment or victimisation and will take appropriate action to protect any person who raises a concern in good faith.

Employees and tutors should raise their concern with an Evermore Education Co-Director - depending on who is suspected of the malpractice. Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names,

dates and places where possible, and the reason why are particularly concerned about the situation.

If the employee or tutor does not feel able to put the concern in writing initially, they should be allowed to telephone or meet the Co-Directors who will make a note of their concerns. They will need to demonstrate that there are sufficient grounds for concern to enable the matter to then be taken forward.

Evermore Education will monitor how the complainant is subsequently treated after raising a matter of concern to ensure that there is no evidence of harassment or victimisation.

If the tutor has a concern regarding both Directors, they can contact the Local Authority Safeguarding team as stated in the safeguarding policy.

How the Matter will be Investigated - Informal Stage

Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. In some cases an investigation may be completed without the subject of the complaint being aware of the investigation.

Some concerns may be resolved by agreed action, without the need for investigation. In these cases confirmation should be sought from the employee or tutor that they are satisfied that the matter is resolved. This does not preclude matters being raised in the future if further concerns arise.

If it is determined that the matter should be dealt with formally, Evermore Education should notify their outsourced HR provider before any further action is taken.

Formal stage

The employee or tutor expressing the concern should receive a written acknowledgement within 7 working days of the concern being received. This acknowledgement will indicate:

- the proposal for how the matter will be dealt with
- an estimate of how long it will take to provide a response

- any initial enquiries which may have been made
- whether further investigations will take place, and if not, why not

Having acknowledged receipt of the concern, Evermore Education will then consult with their outsourced HR provider. If urgent action is required however, such action may be taken before a full investigation is conducted.

Investigation procedures into allegations of malpractice must be independent, skilled and objective. The Co-Directors who may act as the Investigating Officer must not have had any previous involvement with the case and will be sensitive to the wishes of the complainant wherever possible. Depending upon the circumstances, external agencies may also be involved in the investigation.

At any meeting arranged to discuss the concerns, the employee or tutor may be accompanied by a companion or representative who is not involved in the area to which the concern relates. The alleged perpetrator is also entitled to representation during interviews that they may be involved in.

The first step in the investigation is for the Investigating Officer to speak to the complainant and then to the alleged perpetrator. Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the complainant, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

The investigation should normally be completed within 30 working days of the concern being registered. When the timescale is likely to exceed 30 working days, the investigating officer will advise the complainant.

During the course of the investigation, every effort will be made to protect the legitimate rights of all parties involved. In particular, strict confidentiality must be maintained at all times; any breach of confidentiality may lead to consideration of disciplinary action.

Investigation outcome

The investigation will conclude with a written report by the Investigating Officer that will summarise the findings of the allegations and give recommendations for further action which could include:

- finding that the allegation was unfounded and therefore no action needs to be taken
- a recommendation to take no further action on the complaint; this will be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue
- a recommendation to take action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action; such action could include:
 - written management advice; and/or
 - an instruction to the employee or tutor to receive appropriate guidance or training; and/or
 - appropriate changes in working arrangements which must not be to the disadvantage of the complainant;
- a recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place

An Evermore Education Director will write a letter to the complainant and the alleged perpetrator informing them of the findings of the investigation and the action to be taken. The letter will include an undertaking that the complainant and any witnesses must not be victimised or suffer any detriment as a result of having made the complaint.

Where Evermore Education determines to take no action irrespective of the recommendation made, it will give written reasons for this determination to the complainant and the alleged perpetrator. Failure to give such information will be regarded as a breach of this procedure.

Where the Investigating Officer considers that a complaint is untrue and malicious, they will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be seen as a neutral act which does not of itself imply that any preemptive judgement has been reached.

Evermore Education will maintain a confidential central record of such investigations for a period of five years. With respect to anonymous allegations, if Evermore Education consider that further action would be inappropriate, details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting back to Evermore Education members on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.

How the Matter can be taken Further

It is intended that this Whistleblowing Policy and the procedures outlined will enable Evermore Education to satisfactorily deal with concerns raised by its employees and tutors. If an employee or tutor remains dissatisfied, and feels it appropriate to take the issue further, they may make a protected disclosure to a third party, in accordance with the provisions of the Public Interest Disclosure Act 1998. Employees and tutors can also contact the independent charity 'Public Concern at Work' for free advice about expressing concerns about fraud or other serious malpractices.

Evermore Education will make every effort to ensure that a satisfactory conclusion is reached to minimise the cases where the employee or tutor feels they must resort to these measures.

This policy was reviewed in July 2024.