



# **The Oaks Specialist College**

**Skills for Independence & Employability**

## **Whistleblowing Policy**

**2021**

## The Oaks Specialist College: Whistleblowing Policy and Procedure

Date written: March 2020

Date agreed and ratified by The Oaks Trustees: TBA

Date of next review: April 2022

Applicability of Policy	All staff and learners at The Oaks
Location and Access to the policy	<ul style="list-style-type: none"><li>▪ The College website – <a href="https://www.theoaks.ac.uk/">https://www.theoaks.ac.uk/</a></li><li>▪ It is available on the College One drive\Policies\Learner Voice Policy</li><li>▪ Hard copies are available, on request, from the Administration Team</li></ul>
This policy links with the following policies	<a href="https://www.gov.uk/whistleblowing">https://www.gov.uk/whistleblowing</a>
Review and edition of Policy	Board of Trustees
The Rational and purpose of this policy	This policy sets out the framework for raising relevant disclosures without fear of victimisation or other adverse repercussions.

## Introduction

This policy describes the way in which The Oaks will enable employees to raise relevant disclosures without fear of victimisation or other adverse repercussions.

We respect the right of persons other than the above to raise Whistleblowing disclosures and recognise the importance of doing so in the protection of the public interest. To support the protection of external parties they should raise their concerns to a Prescribed Person or Body as outlined via the following link:-

[Whistleblowing: guidance for prescribed persons - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## Access

Staff and learners are made aware of the existence of this policy and where it can be accessed.

## Policy

### Overview of the policy:

This Policy aims to advise employees of The Oaks's Whistleblowing procedure. We follow the Government's published legal position on who is protected in relation to whistleblowing. In line with the Public Interest Disclosure Act (1998) 'workers' (employees/ staff) are protected if advising us of relevant disclosures relating to matters in the public interest, for example, in relation to serious wrongdoing by an individual that affects the public.

If you are not an employee, you can still raise a concern about wrongdoing with us. Please refer to our Complaints Procedure.

People covered by this policy:

- an employee of The Oaks
- a contracted worker working for, or on behalf of The Oaks

As The Oaks is not a Prescribed Body, we cannot offer protection of employment rights to persons other than our staff. Accordingly, any disclosure made by an external party will be dealt with under our Complaints Procedure.

For more information on your rights, we encourage you to seek independent advice. Please see <https://www.gov.uk/whistleblowing>.

### Protection and abuse under this Policy

The policy offers protection to The Oaks employees who disclose relevant information provided that the employee reasonably believes that disclosure:

- is made in good faith
- demonstrates that corruption, bad practice or wrongdoing has happened, is highly likely to have happened or is likely to happen
- is disclosed to an appropriate person, as outlined further in this document

Matters raised in good faith which are subsequently realised as unfounded will continue to be treated as made in good faith.

Any abuse of the policy, or disclosures made with demonstrable malicious or otherwise ill-intent will be treated seriously and may lead to consequential disciplinary action and the imposition of relevant sanctions.

## What we consider to be “whistleblowing”

Whistleblowing is a term used when an employee discloses relevant information relating to wrongdoing, bad practice, corruption, malpractice, maladministration and/or the possible covering up of these actions. We consider examples of disclosures to comprise of, but not be limited to:

- a criminal offence (for example fraud or bribery)
- a failure to comply with legal obligations
- a failure to adhere to regulation and/or mandatory documentation
- where a person (including a member of our staff) has committed, is committing or is likely to commit malpractice or maladministration, including but not exclusive to financial malpractice
- any action intended to conceal or deceive, particularly but not exclusively relating to actions which has, or may have, resulted in personal and/or financial gain
- health, safety or environmental risks
- concealment of information relating to any of the above

## Anonymous disclosures

The Oaks may consider anonymous disclosures at the discretion of a member of the Management team. The following will be taken into account when deciding whether The Oaks will consider an anonymous disclosure:

- the seriousness of the concern raised
- the credibility of the concern raised
- the likelihood that we can confirm the allegation from attributable sources.

In all cases, we strongly advise that consideration be given to making the disclosure on a named, confidential basis, under the protection of this policy. Anonymous disclosures are more difficult to investigate and corroborate (as there is no named individual to gain further information from, if required) and anonymous allegations may appear less credible. If an anonymous disclosure is accepted by a member of the Trustees, we will investigate providing we have enough information. If not, we may log the allegation internally, and may use it for future reference /decision making/ actions, if appropriate.

## Whistleblowing Procedure

### Making a whistleblowing disclosure

Our employees would normally be expected to raise concerns in person in line with our Complaints Policy – complaints should be made initially to the Head of College, or if about the Head of College, to the Board of Trustees.

### Information we will need regarding disclosures in all cases

We require as much information as possible in relation to disclosures, for example the details of the alleged incident, including dates and times and the names of the individual(s) involved.

We will need to understand whether other persons (e.g. other staff, learners, and/or Awarding Organisations) may have been affected by the incident, as we may be required to inform relevant external parties, such as the police, funding and regulatory agencies and/or regulator(s).

### Accessing confidential information regarding disclosures

We may need to access confidential information when we consider a disclosure. We will ensure that such information is kept secure and only used for the purposes of an investigation and in line with relevant legislation (e.g

data protection). We will not normally disclose the information to third parties unless required to do so (e.g required onward disclosure to our regulators; the police and/or other relevant statutory bodies).

## Responding to a whistleblowing disclosure

### What we will do when we receive a whistleblowing disclosure

The Head of College or receiving Trustee will:

- Acknowledge receipt of the notification. If your disclosure is made by phone or in person, this will be at the time of the call or discussion. If you made your disclosure in writing, we would acknowledge in writing (which may include by email), normally **within five working days** of receipt of the disclosure.
- Conduct an initial review of the disclosure and any additional evidence.
- Will inform the Board of Trustees on a confidential basis.

The initial review will include all reasonable actions required to establish the truth and accuracy of the claims made in the disclosure. This initial review period will usually be complete **within ten working days** of receipt of the notification.

Following the initial review, a determination will be made by the reviewing staff member as to whether the disclosure will be accepted or rejected. Prior to making this determination, you may be asked for more evidence/information using the contact details you provided to us (if applicable). In this case, you will be informed of any potential impact on timescales. If the disclosure about a staff member is accepted, the Head of College or Trustee will inform the staff member of their right to representation and how to access this right. Acceptance of a disclosure made against a staff member may also invoke other relevant internal policies (such as disciplinary procedures).

Once made, the determination will be conveyed to you by email by the reviewing staff member. If the disclosure is rejected, you will be informed whether you have any alternative rights, such as the right to raise a complaint under our complaints procedure or grievance policy.

If the disclosure is accepted, you will be informed of how we will fully review the issues raised in the disclosure and of our anticipated timescales. In the main (i.e unless the case is complex or, for example, requires significant external contact), the timescale to fully review a disclosure and make a determination should not normally be longer than **20 working days**. In cases which require escalation to the Board of Trustees (such as those raising significant, validated concerns about The Oaks and/or our stakeholders), the investigating team member will provide a written overall summary with a judgment and any recommendations to an appropriate member of the Board of Trustees for a decision. This may extend the 20-working day period. We will inform you by email or phone of our revised timescales if this is the case.

Where relevant, we will use staff and/or independent external parties who are independent of the matter concerned in our full review. This review may involve us contacting the parties referenced by you.

We will endeavour to maintain confidentiality during the review. We may inform external relevant parties if applicable; update them as necessary, at key stages of the review and may inform them of the outcome, including any relevant actions or interventions.

In all cases, the investigating staff member will provide you with the decision of the review and an overview summary, usually via email, **within 5 working days** of the conclusion of the full review.

The summary:

- will not provide the granular elements of the review, including the details of any investigation or outcome(s)
- will provide sufficient information relating to our actions and decisions
- will only be given subject to the need to protect confidentiality

The review decision is final and there is no right of appeal against the decision. However, if the decision is based on factual inaccuracy or omission, you may then have the right to raise a complaint.

### Inaccuracies and Complaints

Should you feel that the final review decision in relation to the whistleblowing disclosure is factually incorrect, you can raise a complaint. Please refer to our complaints procedure, or our grievance policy, whichever is appropriate. In doing so, you must provide evidence in relation to the stated inaccuracy. Please note, if the decision is not factually incorrect, and merely you disagree with the outcome; have a differing opinion on the outcome, or desire a different outcome, then this may not be treated as a complaint.

### Safeguarding Vulnerable Young Adults

The Oaks recognises that it is possible for staff to behave in a way that might cause harm to vulnerable young people and takes seriously any allegation received.

Such allegations should be referred immediately to the Head of College who will first contact the Local Authority Designated Officer (LADO) to agree further action to be taken in respect of the vulnerable learner and staff member.

In the event of allegations of abuse being made against the Head of College then staff are advised that allegations should be reported to the Chief Executive Officer who will contact the LADO in the first instance.

- All staff and volunteers should feel able to raise concerns about poor or unsafe practise and such concerns will always be taken seriously by the senior leadership team.
- It is a disciplinary offence not to report concerns about the conduct of a colleague that could place a vulnerable learner at risk.
- Staff can also access the NSPCC whistleblowing helpline if they do not feel able to raise concerns regarding vulnerable young people protection failures internally. Staff can call: 0800 028 0285 (8:00 AM to 8:00 PM Monday to Friday) or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- The Oaks has a legal duty to refer to the Disclosure and Barring Service (DBS) anyone who has harmed, or poses a risk of harm, to a vulnerable learner, or if there is reason to believe the member of staff has committed one or a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the people. If these circumstances arise in relation to a member of staff at our College, a referral will be made as soon as possible after the resignation or removal of the individual in accordance with advice from the LADO.