



Whistle-Blowing Policy

Date:	Reviewed by:	Ratified by:	Frequency of review:	Date for next review:
Spring 2022	JO	JR	Annual	September 2022

1. Introduction

The aim of this Policy is to encourage all members of staff at Learning to Listen and others who have serious concerns about any aspect of the provision to voice those concerns and feel secure in doing so.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. Learning to Listen encourages all individuals to raise any concerns they may have about the conduct of others or the way in which the provision is run.

Learning to Listen is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees of Learning to Listen, contractors, service providers and Managing Director of the provision.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

2. Scope

If an employee's concern relates to how they have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy, Learning to Listen's disciplinary policy will be used.

Learning to Listen encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

3. What is whistleblowing?

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing. This is called a "qualifying disclosure".

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above



If a worker is going to make a disclosure it should be made to the employer first, or if they feel unable to use the organisations procedure the disclosure should be made to a prescribed person, so that employment rights are protected.

It is not necessary for a whistle-blower to have proof of such an act for the protections of this policy to apply.

Potential whistle-blowers are encouraged to seek support from the Director or a trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

4. Protections for whistle-blowers

This policy has been written to take account of the Part IVA of the Employment Rights Act 1996 which protects workers making protected disclosures.

A qualifying disclosure made to the Director of Learning to Listen (the employer) is a protected disclosure. A qualifying disclosure made by a worker under this policy will also be a protected disclosure.

A whistle-blower who makes a protected disclosure has the right not to be dismissed (if they are an employee) or subjected to any other detriment, because they have made a protected disclosure.

Dismissing, or subjecting a whistle-blower to any other detriment for raising a protected disclosure will be a disciplinary offence.

Learning to Listen will not determine that anyone should cease to work at the provision on the basis that they have made a qualifying disclosure in accordance with the law and this policy.

Whistle-blowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS (www.acas.org.uk).

5. Obligations for the whistle-blower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistle-blower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the provision's Code of Conduct.

It is not appropriate to whistle blow to the media except in limited circumstances and where those circumstances do not apply such whistleblowing may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence

6. Confidentiality

Learning to Listen encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, Learning to Listen will make every effort to keep their identity secret.



The person(s) to whom the disclosure is made will consult with the whistle-blower before divulging their identity to any party, including an investigator.

Learning to Listen does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

7. Learning to Listen's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly, and confidentially.

Whilst the person carrying out the investigation will aim to keep the whistle-blower informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed

8. Obligations for the Director

An appropriate representative of the provision, (Director, or Nominated Person - Named in section 11) will inform any relevant/appropriate external stakeholders if deemed necessary.

Concerns regarding financial irregularity will be reported to the Shared Internal Audit Service (SIAS); where concerns relate to child protection these will be handled in keeping with the relevant policy at Learning to Listen and reported to the Local Authority Designated Officer (LADO) where the threshold is met.

9. Whistleblowing procedure

9.1. Stage 1 – Disclosure

The whistle-blower should initially raise their concern with a senior member of the team. They may do this orally or in writing.

If the concern relates to the senior team member, the whistle-blower should raise this with the Director.

9.2. Stage 2 – Investigation

The Director will arrange an investigation into the concerns raised, unless the concern relates to the Director, in which case the investigation will be arranged by the nominated person in section 11. This will take place as soon as is reasonably practicable.

The investigation may involve the whistle-blower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistle-blower is entitled to be accompanied by a recognised trade union representative or a work colleague.

9.3. Step 3 – Report to Directors

The investigator will report to the person who arranged the investigation before any further action is taken. That person will decide on potential outcomes including, but not limited to:

- invoking the provision's disciplinary process, or other relevant policy

- referral to the police, County Council department, government department or regulatory agency
- no further action.

On conclusion of any investigation, the whistle-blower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the Director/ Named Person has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

9.4. Step 4 – Escalation.

If, on conclusion of stages 1, 2 and 3 the whistle-blower believes that the appropriate action has not been taken, they should report the matter to the proper authority. The Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended) sets out a number of bodies prescribed by the Secretary of State to which qualifying disclosures may be made. In order for the report to one of these bodies to be a protected disclosure, the whistle-blower must reasonably believe that the matter falls within the matters covered by that body. The whistle-blower must also reasonably believe that the information disclosed, and any allegations contained in it, are substantially true.

These bodies include:

- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Health and Safety Executive
- the Environment Agency
- Her Majesty's Chief Inspector of Education Children's Services and Skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulation.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) list on the www.gov.uk website. The DBEIS list contains a description of the type of matter covered by each prescribed body. Alternatively, a whistle-blower may contact their professional association or trade union representative for guidance.

10. Data Protection

When an individual makes a disclosure, the Director/ Nominated Person will process any personal data collected in accordance with the provision's data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11. Contacts

The provision's Director is: Joanne Richardson

The provision's Nominated Person for this purpose is: Sarah Ilaria Northe.

The independent whistleblowing charity **Protect**

Helpline [020 3117 2520](tel:02031172520)



E-mail: whistle@protect-advice.org.uk