

Version	Adopted by Board on	Signature of Chair
1.0		



Whistleblowing Policy



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Policy Statement

TURN Education C.I.C. (“the Company”) is committed to operating with honesty and integrity. We expect all of those working for and with us to operate on this basis and to adhere to the Company’s policies and procedures. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage anyone working for or with the Company to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Anyone working for or with the Company who raises a concern under this policy will not be treated less favourably for raising concerns as outlined in this policy. This means that anyone who raises a concern under this policy will not be subjected to any detriment nor will they be dismissed for doing so.

The policy and procedure apply to all members of staff and volunteers, regardless of length of service, but does not form part of any employee’s contract of employment and can be varied from time to time.

What is whistleblowing?

Whistleblowing is when someone reports suspected wrongdoing at work, for example (but not limited to) any or all of the following:

- A criminal offence
- A miscarriage of justice
- Damage to the environment

- Breach of a legal obligation
- A danger to health and safety
- A deliberate concealment of any of the above

A member of staff or volunteer, or anyone working for or with the Company, can report things that they believe are not right, are illegal or if anyone at work is neglecting their duties, including:

- Someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- The Company isn't obeying the law (like not having the right insurance, for example)
- Covering up wrongdoing

A member of staff or volunteer, or anyone working for or with the Company who has a reasonable belief that a wrongdoing may be or has been committed and raises a genuine concern relating to any of the above, is a 'whistleblower' and is protected under this policy.

The Company will, at its discretion, consider disclosures that are made anonymously, although such disclosures are, inevitably, less powerful. The Company will also treat every disclosure in confidence and only reveal the identity of the person making the disclosure if absolutely necessary (e.g. if required in connection with legal action)

Rights of the Whistleblower

All members of staff or volunteers, or anyone working for or with the Company are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any member of staff or volunteer, or anyone working for or with the Company who raises a concern under this policy will not be subjected to any detriment nor will they be dismissed for doing so. Any member of staff or volunteer, or anyone working for or with the Company who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the Chair of the Board of Directors.

Victimisation of a whistleblower by any member of staff or volunteer, or anyone working for or with the Company for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the Company believes that a member of staff or volunteer, or anyone working for or with the Company has knowingly made a false allegation or acted maliciously, that member of staff or volunteer, or anyone working for or with the Company will be subject to

disciplinary action which may include dismissal for gross misconduct under the terms of the Company's *'Putting Things Right'* Disciplinary and Grievance framework where applicable.

This policy does not deal with any complaints relating to any member of staff or volunteer, or anyone working for or with the Company's own treatment at work or own contract of employment (or volunteer agreement/contract for service etc.) Those matters should be raised under the Grievance Procedure contained in the Company's *'Putting Things Right'* Disciplinary and Grievance framework where applicable.

An exception to the above would be when the matter of concern arises from the member of staff or volunteer, or anyone working for or with the Company's own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a Whistleblowing Complaint

To make a whistleblowing complaint, the whistleblower has to meet certain conditions.

1. If the disclosure is made to the Company, it must be in the public interest and the person making the complaint ("the whistleblower") must have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur. **The Company strongly urges any member of staff or volunteer, or anyone working for or with the Company, to make any disclosure via the Company's internal procedure in the first instance.** The rights of the whistleblower in these circumstances are set out above and the matter will be addressed much more speedily if the Company has the information to respond to the issue in a timely and well documented manner.
2. If the disclosure is made to a regulatory body or prescribed person (within the meaning of the Public Interest Disclosure Act 1998) then, as well as satisfying the conditions required for disclosure to the Company, the whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true. For example, a member of staff or volunteer, or anyone working for or with the Company will be eligible for protection under the terms of this policy if:
 - They honestly think what they're reporting is true
 - They think they're telling the right person
 - They believe that their disclosure is in the public interest

A list of prescribed persons (including relevant regulatory bodies) can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

However, your attention is drawn to the limits of the **legal** protection afforded to whistleblowers as detailed in the 'Legal Protection for Whistleblowers' section at the end of this document.

3. If the disclosure is made to other external bodies then, as well as satisfying the conditions required for disclosure to the Company, in all circumstances of the case it must be reasonable for the whistleblower to make the complaint. Further, the whistleblower must:

- Reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or prescribed person, or
- Reasonably believe that evidence is likely to be concealed or destroyed, or
- Have already raised the concern with the Company and/or relevant regulatory body/prescribed person, and
- Reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an 'exceptionally serious' nature – which in the Company's educational setting could include, say, the alleged abuse of children, young persons or vulnerable adults in the care of the Company or corruption, then the whistleblower will not be required to:

- Have raised the matter concerned internally first
- Believe that they will be subject to a detriment for raising the disclosure internally
- Believe that the evidence is likely to be concealed or destroyed

However, your attention is drawn to the limits of the **legal** protection afforded to whistleblowers as detailed in the 'Legal Protection for Whistleblowers' section at the end of this document.

[Procedure for raising a wrongdoing](#)

A member of staff or volunteer, or anyone working for or with the Company who wants to raise a wrongdoing should, in the first instance, inform the Chair of the Board of Directors. The initial contact can be by telephone or in writing and, if the latter, should be in a sealed envelope addressed to the Chair of the Board and marked: 'PIDA – Strictly Private and Confidential'. Email cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

The Chair of the Board who has received the disclosure will:

- Acknowledge its receipt, in writing, within 5 working days
- Seek further information, if required, which may include a personal interview at which the whistleblower can be accompanied by a representative of their trade union or professional association, or by a colleague from the Company.

- Keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of the disclosure, the Chair will determine what further action, if any, is needed, which may comprise:

- Internal investigation
- Report to the Police
- Report to external audit
- Independent inquiry
- Any combination of the above

If the whistleblower does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or prescribed person. The charity Protect – Speak up, stop harm (formerly Public Concern at Work) can advise the whistleblower about raising the concern externally. This will include advising who the appropriate prescribed regulator or prescribed person is. The website for Protect is <https://protect-advice.org.uk/>

Legal Protection for Whistleblowers

Please note that this policy exceeds legislative requirements in that it covers anyone who works with or for the Company, including volunteers. This is because the Company wishes to encourage the reporting of potential wrongdoing internally, so that it can be addressed at an early stage. The *legal* protection for whistleblowers extends only to workers. The term ‘worker’ has a precise legal definition which includes employees and some other contractual arrangements but excludes volunteers and those working with the Company in a self-employed capacity. The precise definition of the term ‘worker’ can be found here <https://www.gov.uk/employment-status/worker>

This policy will be reviewed annually.