



## **ENERGY COAST UTC**

### **WHISTLE BLOWING POLICY**

**2019-2022**

**Approved:**

**Signed:**

**Date:** September 2019

**Date for Review:** September 2020

**Revision History:**

Revision History			
Revision	Date	Owner	Summary of Changes
1	October 2017	BLS	First edition
2	September 2019	BLS	To reflect changes to the Academies Financial Handbook 2019
3			
4			
5			

## **Introduction**

The Energy Coast UTC is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees. Any employee who has a serious concern about any aspect of The Energy Coast UTC's work or the actions of any of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

If an employee or external agency feels they cannot raise their concerns within the framework of this policy, they should report their concerns to the NSPCC Whistleblowing Advice Line on 0800 028 0285. More information about the NSPCC Whistleblowing Advice Line can be found at [www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/](http://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/)

## **Purpose**

The purpose of the policy is to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns
- provide avenues for employees to raise these concerns and receive feedback on any action taken
- allow employees to take the matter further if they are dissatisfied with the Energy Coast UTC's response
- reassure them that they will be protected from reprisals or victimisation for whistle blowing in good faith in accordance with the procedure

This policy applies to all employees including those working on a temporary or casual basis.

There are existing procedures in place to allow staff to lodge a grievance relating to their own employment within the Energy Coast UTC's Staff Grievance Policy and Staff Disciplinary Policy.

This Policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about any of the following:

- A criminal conviction that has been, is being or is likely to be committed
- Fraud and corruption
- Unauthorised use of public funds
- A failure to comply with a legal obligation
- A health and safety risk relating to any individual
- A miscarriage of justice
- A damage to the environment
- Actions that are contrary to any of the Energy Coast UTC's policies
- Actions or behaviour that falls below established standards of practice
- Abuse and welfare of students or staff
- Harassment or victimisation of students or staff
- Any actions or concerns regarding practice that could result in a financial loss to the Energy Coast UTC
- The deliberate concealment of information relating to any of the above matters
- Other unethical conduct

This list is not exhaustive.

## **Procedure**

### **Making a disclosure – initial action**

As soon as an employee becomes reasonably concerned about a matter, they should first raise the issue with the designated whistleblowing governor (see Appendix 1). If the disclosure concerns one of them, the employee should write to the Principal or Chair of Governors as appropriate.

Disclosures involving the Principal should be raised with the Chair of Governors. In this case, the Chair of Governors may appoint an independent investigator to consider the case and if there are grounds for proceeding. Disclosures concerning the Chair of Governors, a member of the Leadership Team (LT) or Directors of Learning (DOL) should be raised with the Principal or the designated whistleblowing governor .

All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.

Concerns may be raised verbally or in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made.

If the concern is raised verbally, then the person receiving the information should put in writing, an outline of the matters raised and this should be confirmed in writing to the employee. This should be done within ten working days.

Once a concern is raised the receiving manager, should report the matter to the Principal who will appoint an appropriate manager to investigate [the “investigating manager”].

This could be the receiving manager. The Principal will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure [the employee will be informed of this]. If the matter is dealt with under the Whistleblowing policy, then the employee will then be informed of the name of the investigating manager. If the matter relates to the Principal, the Chair of Governors will appoint the investigating manager. Due to the nature of the disclosure the Principal may appoint an independent external investigator to look into the matter. If the matter relates to the Principal, then decisions for proceeding will be made by the Chair of Governors.

The receiving manager will then inform the employee in writing of the process to be followed.

The receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However, this may be delayed if it is likely to jeopardise the investigation.

## **Handling a disclosure**

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy.

Where appropriate, the matters raised may:

- be investigated by the investigating manager or internal auditors
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry by an outside body

This will be determined by the investigating manager in conjunction with the Principal and the HR Manager.

Within four weeks of a concern being raised, the investigating manager will write to both parties:

- indicating how the Energy Coast UTC proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
- indicating whether further investigations will take place and if not, why not

**Appendix 1** provides details of the role of the investigating manager.

Any internal investigation should take no longer than three months to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

- whether disciplinary action be taken against any employee
- whether changes should be recommended to any Energy Coast UTC procedure
- whether any other action should be recommended
- These will be detailed in a final report

The investigating manager will send a copy of the final report, including recommendations, to the Principal who will consider the recommendations and determine what action, if any, to take. The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

## **Appeal**

An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to a more senior manager within the Energy Coast UTC. An appeal should be made to the HR Manager within five days of receipt of the outcome letter. The Principal will determine who should hear the appeal. The appeal should be completed within one month.

After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied they may raise the matter further by contacting an outside agency such as the NSPCC Whistleblowing Advice Line on 0800 028 0285.

More information about the NSPCC Whistleblowing Advice Line can be found at [www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/](http://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/)

An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the Principal about the outcome of the report. The Principal will consider these representations and may direct further investigation or review as appropriate.

## **Timescales**

<b>Action</b>	<b>Timescale</b>	<b>By who</b>
Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed	Within 10 days	Person who receives the disclosure – <b>the receiving manager</b>
Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed	Within 10 days	Person who receives the disclosure – <b>the receiving manager</b>
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated Letters sent to employee and person complained of	Within four weeks of receipt of disclosure	Person appointed to investigate – <b>the investigating manager</b>
Written confirmation of outcome of investigation and action to be taken. Report sent to The Principal with recommendations and The Principal will determine what action to take. Letters sent to employee and person complained of	Within three months of receipt of disclosure	Person appointed to investigate – <b>the investigating manager</b>
Appeal against outcome of investigation	Within five working days from receipt of outcome	Employee who makes the disclosure
Appeal carried out	Within one month of appeal	Manager appointed to hear the appeal
Appeal to Principal	Within five working days from receipt of outcome	Employee subject to the disclosure

While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress.

## **Recording and monitoring**

The HR Officer will maintain a register containing all concerns that are brought to the organisation's attention. These will be reported on a quarterly basis to the Chair of Governors.

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

## **Resources**

### **APPENDIX 1**

#### **The role of the investigating manager**

The investigating manager will have the following responsibilities to The Energy Coast UTC:

Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague

- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to a more senior manager

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence ☐ Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available
- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required

- Where necessary The Energy Coast UTC will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible.

**Designated Whistleblowing Officer**

Ben Stevenson (Vice Principal)

**Designated Whistleblowing Governor**

Alistair Bulloch