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# WHISTLE BLOWING POLICY AND PROCEDURE

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## Contents:

1. Purpose
2. Safeguards
3. Procedure
4. External Disclosure

## Purpose

V Learning Network (hereafter referred to as VLN) and Partner employees may be the first to realise that there may be something seriously wrong with the running of VLN or Partner organisations. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation and may find it easier to ignore the concern rather than to report any suspicion of malpractice.

VLN is committed to the highest standards of openness and accountability. In line with that we expect employees and others that we deal with who have serious concerns about any aspect of VLN’s work to come forward and voice concerns.

This policy dictates how any person can voice their concerns confidentially without fear of victimisation or discrimination. The policy is also intended to encourage employees and partner organisations to raise serious concerns within VLN rather than overlooking a problem or ‘blowing the whistle’ outside.

This policy aims to:

* encourage someone to feel confident in raising serious concerns and to question and act upon concerns about practice
* provide avenues to raise those concerns and receive feedback on any action taken
* ensure that a response is given to concerns and the procedure to follow if not satisfied
* provide protection from possible reprisals or victimisation if a disclosure has been made in good faith

It is intended to cover the following concerns:

* conduct which is an offence or a breach of the law
* disclosures related to miscarriages of justice
* health and safety risks, including risks to the public as well as other employees and learners
* damage to the environment
* the unauthorised use of public funds
* possible fraud and corruption
* abuse of students, or
* other unethical conduct

Concerns about any aspect of provision or conduct of employees of VLearning Network or Partner organisations can be reported under this policy.

## Safeguards

2.1 Harassment or Victimisation

VLN is committed to good practice and high standards and wants to be supportive of employees and Partners. VLearning Network recognises that the decision to report a concern can be a difficult one to make. If the allegation is true the ‘whistle-blower’ should have nothing to fear because they will be carrying out their duty to their employer and to VLN as a whole.

VLN will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect any person raising a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures.

* 1. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity. At the appropriate time, however, they may need to come forward as a witness.

* 1. Anonymous Allegation

This policy encourages people to put a name to an allegation whenever possible. This because concerns expressed anonymously are much less powerful but these will be considered at the discretion of VLearning Network. In exercising this discretion, the factors to be taken into account would include:

* the seriousness of the issues raised
* the credibility of the concern; and
* the likelihood of confirming the allegation from attributable source

2.4 Untrue Allegations

If an allegation is made in good faith but is not confirmed by the investigation, no action will be taken against the ‘whistle-blower’. If, however, an allegation is proved to be frivolous, malicious or for personal gain, disciplinary action will be taken.

## Procedure

**How to raise a concern**

As a first step, concerns should be raised with the immediate line manager within the Partner organisation. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If the line manager is not appropriate for any reason concerns should be raised with the Chief Executive Officer of VLN or the Chair of Trustees.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

* the background and history of the concern (giving relevant dates)
* the reason why they are particularly concerned about the situation

The earlier they express the concern the easier it is to take action. Although they are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. They may wish to consider discussing their concern with a colleague first as they may find it easier to raise the matter if there are two (or more) people who have had the same experience or concerns.

VLN will respond to your concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matter raised may:

* be investigated by management, or through the disciplinary process
* be referred to the police
* be referred to the external auditor
* form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which VLN will have in mind is the public interest.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken into account before any investigation is conducted.

Within **ten** working days of a concern being raised, the Joint Chief Operations Managers or the Chair of Trustees, if appropriate, will write to the complainant:

* acknowledging that the concern has been received
* Indicating how we propose to deal with the matter
* giving an estimate of how long it will take to provide a final response
* informing them whether any initial enquiries have been made
* supplying them with information on staff support mechanisms and
* telling them whether further investigations will take place and if not, why not

The amount of contact between the staff considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, VLN will seek further information.

VLN will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings VLN will arrange for them to receive advice about the procedure.

VLN accepts that the complainant needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform them of the outcome of any investigation

## External disclosure

If a ‘whistle-blower’ is still not satisfied they may feel it is right to take the matter VLN to organisations such as HCC Children’s Services, the external auditor, the local Citizens Advice Bureau, relevant professional bodies or regulatory organisations or the police. In certain circumstances, employees or partner organisations may be protected under this Policy and Procedure if disclosure of concerns is made to an external body. Those circumstances are that:

* It is made in good faith and there is a reasonable belief that the information or allegation is substantially true
* The disclosure is not made for personal gain
* It is reasonable to make the disclosure in all the circumstances. Those circumstances will include the seriousness of the relevant concern AND
* At the time of the disclosure the worker reasonably believes he will be subjected to a detriment
* There is a reasonable belief that it is likely that evidence relating to the relevant failure will be concealed or destroyed if disclosure is made to the employer OR disclosure has been made to the employer but has not been addressed.