

# Whistleblowing Policy



## Crackerjack Training

Last Reviewed: March 2019

Next Review: March 2020



## **1. Introduction**

Crackerjack Training is committed to the highest possible standards of openness, probity and accountability.

### **1.1 What is a Whistleblower?**

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, eg the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

### **1.2 Complaints that count as Whistleblowing**

You're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- you believe someone is covering up wrongdoing

### **1.3 Complaints that don't count as whistleblowing**

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

Please refer to the grievance procedure in the Staff Handbook on how to report grievances and further information.

## **2. Aims**

This policy aims to;

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for staff to raise concerns and receive feedback on any action taken;
- Ensure that staff receive a response to their concerns;
- Allow staff to take the matter further if they are dissatisfied with Crackerjack Trainings response to the concerns expressed;

- Reassure staff that they will be protected from possible reprisals or victimisation, if staff have a reasonable belief that they have made a disclosure in good faith

### **3. Raising a concern**

- Concerns should normally be raised with an appropriate level of line management
- However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- Concerns may be raised verbally or in writing.
- Staff who wish to make a written report are invited to use the following format;
  - A) the background and history of the concern (giving relevant dates);
  - B) the reason why the member of staff is particularly concerned about the situation.
- It should be noted that the earlier a concern is expressed, the easier it is to take appropriate action.
- Although staff are not expected to prove the truth of an allegation that is made, it will be necessary that they are able to demonstrate that there are sufficient grounds for concern.
- Staff may wish to get confidential advice from their trade union or professional association.
- Staff may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.
- Staff may invite their trade union or work colleague to be present during any meetings or interviews in connection with the concerns they have raised.

### **4. Safeguards**

#### **4.1 Harassment or Victimisation**

- Crackerjack Training recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice.
- Crackerjack Training will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in order to protect a person who raises a concern in good faith.
- Any investigation into allegations of potential malpractice raised by an individual will not influence or be influenced by any disciplinary or other procedure that is already affecting the individual.

#### **4.2 Confidentiality**

- All concerns will be treated in confidence and every effort will be made not to reveal the identity if that is the wish of the individual.
- However, it must be appreciated that any investigation process may reveal the source of the information and that the individual may need to come forward as a witness and provide a statement, as part of the evidence or in order to pursue the complaint.

### **4.3 Anonymity**

- This policy encourages members of staff who raise concerns to put their name to the allegation whenever possible.
- Concerns expressed anonymously are much less powerful but will be considered at the discretion of Crackerjack Training.
- In exercising this discretion, the factors to be taken into account would include:
  - the seriousness of the issues raised;
  - the credibility of the concern;
  - the likelihood of obtaining the necessary information.

### **4.4 False and Malicious Allegations**

- Crackerjack Training will protect itself and its staff from false and malicious expressions of concern by taking disciplinary action where appropriate.
- If a concern, which is genuinely believed, proves to be unfounded on investigation, no action will be taken against the member of staff.
- Crackerjack Training will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.
- However, it acknowledges that it may not be possible to prevent all potential repercussions involved.

## **5. How Crackerjack Training will Respond**

- The action taken by Crackerjack Training will depend on the nature of the concern.
- Where appropriate, the matters raised may:
  - be investigated by a senior member of staff,
  - be referred to the police;
  - form the subject of an independent inquiry.
- In order to protect individuals and Crackerjack Training, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take.
- Concerns or allegations, which fall within the scope of specific procedures (for example, safeguarding or discrimination issues), will normally be referred for consideration under those procedures.
- It should be noted that some concerns may be resolved by agreed action without the need for investigation.
- Equally some issues may be investigated without the need for initial enquiries. If urgent action is required, this will be taken before any investigation is conducted.
- Within ten working days of a concern being raised, the Managing Director will write to the person who has raised the concern:
  - acknowledging that the concern has been received;
  - indicating how s/he proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling the person whether any initial enquiries have been made;
  - supplying the person with information on staff support mechanisms;
  - telling the person whether further investigations will take place and, if not, why not.
- Every effort will be made to resolve the matters raised as soon as possible.

- The amount of contact between the Managing Director considering the issues and the member of staff raising the concern will depend on the nature of the matters raised.
- If necessary, further information may be sought from the person raising the concern.
- Where any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union or a work colleague who is not involved in the area of work to which the concern relates.
- Crackerjack Training will take appropriate steps to minimise any difficulties, which a member of staff may experience as a result of raising a concern.
- Crackerjack Training accepts that staff raising a concern need to be assured that the matter has been properly addressed.
- Thus, subject to legal constraints, the person raising the concern will receive as much information as possible as the investigation progresses.

## **6. Allegations concerning Child Protection issues**

If a member of staff raises concerns regarding a child protection issue they must urgently report to the Lead Safeguarding officer Fiona Baker, or in her absence Angela Westwood.

### **The Inquiry Process**

The person investigating the concern will:

- Look into the allegation – seeking evidence and interviewing where necessary.
- If appropriate, for concerns of criminal behaviour refer the matter to the Police.
- If appropriate, for concerns of child protection, refer the matter to LADO and/or MASH.

If the person investigating the concern needs to talk to you, you are permitted to be accompanied by a professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

## **7. If you are not satisfied with how your employer dealt with your concern**

- 7.1 This policy is intended to provide staff with an avenue to raise concerns within Crackerjack Training.
- 7.2 Contact the Advisory, Conciliation and Arbitration Service (ACAS), or the whistleblowing charity Public Concern at Work for more guidance.
- 7.3 However, if a member of staff is dissatisfied with Crackerjack Training's response, she or he can raise the matter with the governing body, the Trust and/or the Department for Education.
- 7.4 If the matter of concern is taken outside Crackerjack Training, the member of staff should ensure that, as far as possible, it is raised without confidential information being divulged.
- 7.5 Other than in exceptional circumstances, it would be expected that staff have exhausted the internal routes available first.