



Whistleblowing Policy

This policy refers to 'the organisation' throughout and in doing so is referring to Phoenix Autism Trust.

Written January 2021 – Review January 2022

Phoenix Autism Trust (PAT) - A Pathway Towards Independence and Employment
Registered Company no. 09615159 Registered Charity No. 1172227
Registered Office: 49 Bow Road, London, E3 2AD

1. Purpose and Scope

1.1 This Whistleblowing Policy and Procedure (this Policy) applies to Phoenix College and Phoenix Autism Trust which for the purposes of this Policy we will refer to collectively as “we”.

1.2 The Public Interest Disclosure Act 1998 provides workers with protection against dismissal or less favourable treatment if they reasonably report concerns in good faith. The Act is sometimes known as the Whistle-blowers Act. This Policy is intended to complement statutory protection. For the avoidance of doubt, your statutory rights will not be affected in any way by this Policy.

1.3. We are committed to achieving and maintaining high standards with regard to behaviour at work, service to the public and in all our working practices. We expect our staff to conduct themselves with integrity, impartiality and honesty. However, we recognise that all organisations face the risk of things going wrong from time to time, or knowingly harbouring illegal or unethical conduct. We wish therefore to develop a culture where such behaviour at all levels can be challenged, which is essential to prevent such situations occurring and to address them when they do.

1.4. The aims of this Policy are to:

- Encourage staff to report suspected wrongdoing at work as soon as possible in the knowledge such concerns will be taken seriously and investigated as appropriate, and confidentiality will be respected;
- set out the procedure by which you can raise such concerns;
- provide reassurance that if you raise concerns in good faith you will not suffer dismissal or detriment as a result.

1.5. This Policy includes a procedure that should be followed when making a protected disclosure.

1.6. If there is anything that you think we should know about, please use the procedure below. By knowing about malpractice at an early stage the organisation stands a good chance of taking necessary steps to safeguard the interests of others and protect the organisation.

1.7. This Policy does not form part of any employee's contract of employment and we may amend it at any time.

1.8. The Principal has lead responsibility for implementing this policy which is endorsed by the chair of Trustees to demonstrate our commitment to it.

2. Who does the policy protect?

2.1. This policy applies to all employees, including full-time, part-time and temporary (regardless of length of service), volunteers, agents, contractors, suppliers and users of our services.

2.2. Applicants, or external bodies or agencies, who have genuine concerns about malpractice or illegal acts as outlined below, are also encouraged to report their concerns.

3. What is whistleblowing?

3.1. This policy is designed to deal with concerns raised in relation to specific issues, which are in the public interest and detailed below.

3.2. There are other policies and procedures that deal with complaints, critical or constructive comments, and appeals.

3.3. The following policies also address standards of behaviour at work as

- Code of Conduct, Disciplinary Policy and Procedure,
- Grievance Policy and Procedure,
- Dignity at Work Policy and Procedure,
- the Equality and Diversity Policy,
- Adult and Child Safeguarding Policies

The relevant policy should be followed where appropriate.

3.4. Matters relating to a complaint about your own personal circumstances, such as the way you have been treated at work, or an appeal against a decision should be addressed through our Grievance Policy and Procedure.

3.5. There is a Data Protection and Privacy Notice, which must be followed and read in conjunction with this Policy

3.6. There is a separate Preventing Extremism and Radicalisation Policy, which must be followed and read in conjunction with this Policy.

3.7. Whistleblowing is specific and means a disclosure of information made by a worker or an external person or body where they have a genuine concern that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- a criminal offence;
- a failure to comply with a legal or professional obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, malpractice or breach of a code of conduct);
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment;
- bribery;
- covering up or ignoring a safeguarding concern about abuse or suspected abuse;
- a breach of the Fundraising Code of Practice – see: <https://www.fundraisingregulator.org.uk/code-of-fundraising-practice/code-of-fundraisingpractice/>;
- a deliberate concealment of information tending to show any of the above; and
- concerns regarding extremism and radicalisation of a learner/pupil or employee/volunteer.

3.8. If you have a genuine concern relating to any of the above you should report it under this Policy. Disclosures must be made in the reasonable belief that any information and/or allegation is substantially true, and that the disclosure is not made primarily or solely for personal gain. Malicious or false allegations will be treated as a serious disciplinary offence. If you are uncertain about whether something is within the scope of this Policy you should seek advice from the **Principal**, whose contact details are at the end of this policy.

4. Raising a whistleblowing concern

4.1. We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Principal.

4.2. If your matter is more serious, or if you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason you should raise your concern directly with the Principal. The Principal may ask for the concerns to be put in writing, if this is considered appropriate. Contact details are at the end of this Policy.

4.3 If your disclosure is about the Principal, you should report your concerns directly to the Vice-Chair of the Trustees.

5. Confidentiality

5.1. We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2. We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed at the end of this Policy and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. Protection and support for whistle-blowers

6.1. We aim to encourage openness and will support whistle-blowers who raise genuine concerns under this Policy, even if they turn out to be mistaken.

6.2. We will not tolerate harassment or victimisation of a genuine whistle-blower (including informal pressures) and such conduct will be dealt with as appropriate as a disciplinary issue and may be considered gross misconduct, which if proven, may result in dismissal. If you believe that you have suffered any such treatment, you should inform Chair of Trustees immediately.

6.3. If we conclude that a whistle-blower has made false allegations maliciously, the whistle-blower may be subject to disciplinary action.

7. Investigation

7.1. We will decide how to respond in a responsible and appropriate manner under this Policy. Where appropriate, an investigation will be conducted as speedily and sensitively as possible. An official written record will be kept at each stage of the procedure.

7.2. A decision as to whether a preliminary investigation should be carried out will be made within two weeks of the complaint having been received. Where this is not possible, the person making the complaint will receive an explanation of the delay.

7.3. You are entitled to be accompanied by a relevant accredited union representative (if any) or a work colleague, throughout the procedure when reporting your concerns.

7.4. Should a formal investigation be initiated, the person to whom you have raised the concern will investigate (or delegate to an appropriate individual or third party if appropriate) your concern/s as follows:

- 7.4.1. If appropriate, arrange an initial interview with you normally within two weeks of complaint to ascertain your area/s of concern. If requested, the interview will remain confidential to the extent reasonably practicable.
- 7.4.2. The notes taken during the interview will be sent to you to approve as an accurate record of what was discussed.
- 7.4.3. You will be asked whether you want your identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
- 7.4.4. You will be asked if you are prepared to make a verbal or written statement (if you have not already done so).
- 7.4.5. A senior member of staff or an external person or body as appropriate, will then conduct further investigations. The investigation may be conducted by the auditors, for example in the case of financial irregularity or suspected fraud. They will aim to complete the investigation within seven working days although in serious or complicated cases, this may not be possible.
- 7.4.6. The person against whom the disclosure is made will normally be told at an early stage, provided with supporting evidence and allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e. without informing the subject of your allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s is made may be suspended while investigations are undertaken.
- 7.5. You must treat all information communicated to you as part of any process as confidential. You, and anyone accompanying you, must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 7.6. We will aim to inform you of the outcome of the investigation within five working days of completion of the investigation. The exact nature of any disciplinary action taken against any person will remain confidential.

8. Unsatisfactory outcomes

8.1. While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

8.2. If you are not happy with the way in which your concern has been handled, you can raise it with the Chair of Trustees. Contact details are at the end of this Policy.

9. External disclosures

9.1. The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

9.2. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator, for example the Health and Safety Executive, the Director General of Fair Trading, Charity Commission the Director of the Serious Fraud Office, the Utility Regulators, the Data Protection Registrar, the Environment Agency and the Fundraising Regulator, or Ofsted. We strongly encourage you to seek advice before reporting a concern to anyone external.

9.3. Whoever receives a whistleblowing concern has a professional obligation to notify the police if they have good reason to believe a crime has been committed. In the event of concerns about a person becoming radicalised consideration will be given to using the relevant Local Authority Channel process which can incorporate a referral to the police. In the event of concerns relating to safeguarding of children or vulnerable adults, appropriate referrals will be made to the relevant authorities, in accordance with our Adult and Children Safeguarding Policies. Any such notification will be made in accordance with the Data Protection policy and the Privacy Notice. Policy

10. Useful contacts

Principal contact details

Name: Robert Bates (interim principal)

Email: robert.bates@phoenixcollege.london

Phone: 020 8629 8700

Chair of Trustees:

Name: Derek Stride

Email: dstride@phoenix.towerhamlets.sch.uk

Phone: 07740795494

Protect (independent whistleblowing policy)

Helpline: 0203 117 2520

Email: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

Charity Commissioner

Phone: 0800 055 7214

Website: <https://www.gov.uk/government/organisations/charity-commission>