

Whistleblowing Policy

Our Commitment

SEND4 believes that the safeguarding and protection of all children and young people is of the utmost importance, at the forefront of our operations and is everyone's responsibility within the organisation.

As an organisation, we commit to doing the best we can to ensure that SEND4 is a safe, caring and supportive place for those we work with.

This includes ensuring that our staff feel able to speak openly and are supported if they raise any concerns about working practices at SEND4 and are aware of the processes we have in place to address them.

The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Managing Director is the first point of contact for whistleblowing queries. If the allegation is related to the Managing Director, the concern will be raised with the Financial and Operation Director.

Any member of SEND4 community or the general public is able to "blow the whistle;" however, the PIDA only protects employees.

Definitions of terms

"Whistleblowing" is when an employee report suspected wrongdoing, or 'qualifying disclosures,' at work to their employer.

As outlined by the PIDA, "**qualifying disclosures**" pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged

- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

“In the public interest” means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

“Blacklisting” refers to an individual who is being refused work because they are viewed as a whistleblower.

“Grievances” involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

This document

- Defines the role and responsibilities of individuals in the organisation
- Applies to all people who work for and with SEND4, including our staff, stakeholders, volunteers (work experience) and contractors
- Supports our aims as an organisation
- Is based on current legislation, government guidance and best practice.
- Contains the relevant contact details at the end of this policy

Obligations

SEND4 are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with our Code of Conduct and Behaviour policy and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff with guidance as to how to raise those concerns.

- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

Range and scope

This policy applies to all individuals working at all levels of the organisation, including, Directors, staff, consultants, contractors, trainees and casual and agency staff (collectively referred to as staff in this policy).

Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- DfE (2023) 'Keeping children safe in education 2023'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following policies:

- Resolving Problems Policy
- Complaints Policy
- UK GDPR & Data Protection Policy

Definitions

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity
- miscarriages of justice
- danger to health and safety
- damage to the environment
- failure to comply with any legal or professional obligation or regulatory requirements
- bribery
- financial fraud or mismanagement
- negligence
- breach of our internal policies and procedures including our Code of Behaviour
- conduct likely to damage our reputation
- unauthorised disclosure of confidential information
- the deliberate concealment of any of the above matters

A 'Whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger

affecting any of our activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should refer to the Resolving Problems Policy or the staff handbook as appropriate. If you are uncertain whether something is within the scope of this policy, you should seek advice from a Director or senior member of staff.

Good practice principles

SEND4 will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report,' to ensure that whistleblowing procedures are fair, clear and consistent.

SEND4 will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the organisation.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the 'Procedure' section of this policy, SEND4 will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.

SEND4 will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report someone
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

SEND4 will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles

- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

Procedure

We hope that in many cases you will be able to raise any concerns with us in person or put the matter in writing if you prefer. SEND4 may be able to agree on a way of resolving your concern quickly and effectively. However, where the matter is more serious, or you feel that your concern has not been appropriately addressed, or you prefer not to raise it with a particular member of staff for any reason, you should contact a Director. A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

Confidentiality

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. 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 and have been made in good faith.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

External disclosures

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. 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. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact a Director.

Investigation and outcome

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information. In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing. We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential. If we conclude that a Whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the Whistleblower will be subject to disciplinary action.

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. If you are not happy with the way in which your concern has been handled, you may contact NSPCC Whistleblowing helpline. Contact details are set out at the end of this policy.

It is understandable that Whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken. Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform a Director immediately. If the matter is not remedied, you should raise it formally using our Resolving Problems Policy. Staff must not threaten or retaliate against Whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

Contact details

Protect

(previously Public Concern at Work)
(Independent whistleblowing charity)

Helpline: 020 3117 2550 Or
020 3117 2520
Website: www.protect-advice.org.uk

The NSPCC National Whistleblowing helpline is available for any staff who do not feel able to raise whistleblowing concerns internally.
Staff can call 0800 028 0285 - Monday to Friday 8am – 8pm or email help@nspcc.org.uk

Monitoring and review

This policy will review this annually by the Managing Director. Any changes made to this policy will be communicated to all members of staff.