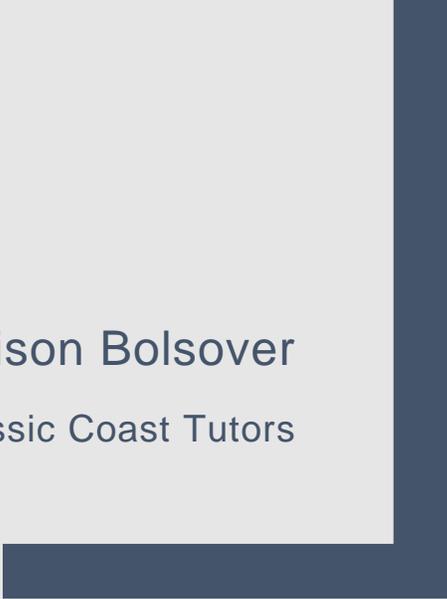




(Making a Disclosure in the Public Interest)

"WHISTLEBLOWING" POLICY

Alison Bolsover
Jurassic Coast Tutors



Jurassic Coast Tutors

"WHISTLEBLOWING" POLICY

(Making a Disclosure in the Public Interest)

Introduction

1. Jurassic Coast Tutors is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

2. The Public Interest Disclosure Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.
3. It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

Scope of Policy

4. This policy is designed to enable employees of the Company to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:
 - Financial malpractice or impropriety or fraud
 - Failure to comply with a legal obligation or Statutes
 - Dangers to Health & Safety or the environment
 - Criminal activity
 - Improper conduct or unethical behaviour
 - Attempts to conceal any of these

Safeguards

5. **Protection** - this policy is designed to offer protection to those employees of Jurassic Coast Tutors who disclose such concerns provided the disclosure is made:

- in good faith
 - in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.
6. **Confidentiality** - Jurassic Coast Tutors will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.
7. **Anonymous Allegations** - this policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account will include:
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources
8. **Untrue Allegations** - If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

9. On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:
- Complaints of malpractice will be investigated by the Business Owner unless the complaint is against the Business Owner or is in any way related to the actions of the Business Owner. In such cases, the complaint should be passed to the Independent Spokesperson for referral.
 - In the case of a complaint, which is any way connected with but not against the Business Owner, the Business Owner will nominate an external party to act as the alternative investigating officer.
 - Complaints against the Business Owner should be passed to the Independent Spokesperson who will nominate an appropriate internal / external investigating officer.
 - The complainant has the right to bypass the line management structure and take their complaint direct to the Independent Spokesperson (or Business Owner). The Independent Spokesperson (or Business Owner) has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

10. Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

Children’s Commissioner for England

Contact them about matters relating to the rights, welfare and interests of children in England.

The Office of the Children’s Commissioner
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Tel: 020 7783 8330

Email: info.request@childrenscommissioner.gov.uk

Website: www.childrenscommissioner.gov.uk

or

Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (‘the Chief Inspector’)

Contact them about matters relating to regulation and inspection of children’s social care.

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 123 3155

Email: whistleblowing@ofsted.gov.uk

11. If there is evidence of criminal activity, then the investigating officer should inform the police. The Company will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

12. Due to the varied nature of these sorts of complaints, which may involve internal / external investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

13. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
14. All responses to the complainant should be in writing and sent to their home address marked "confidential".

Investigating Procedure

15. The investigating officer should follow these steps:
 - Full details and clarifications of the complaint should be obtained.
 - The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual's legal representative.
 - The investigating officer should consider the involvement of the Business Owner and the Police at this stage and should consult with the Independent Spokesperson / Business Owner if appropriate
 - The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
 - A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Independent Spokesperson or Business Owner as appropriate.
 - The Independent Spokesperson / Business Owner will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
 - The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
 - If appropriate, a copy of the outcomes will be used to enable a review of Company procedures.
16. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Business Owner / Independent Spokesperson, or one of the designated persons described above.
17. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Jurassic Coast Tutors recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body (e.g. the Health and Safety Executive). A full list of prescribed people and bodies can be found on the Government Website (www.gov.uk).

APPENDIX A

Letter confirming receipt of a protected disclosure (whistleblowing) tutor-based staff

Template letter to respond to an independent tutor who has made a protected disclosure.

Letter wording

[name]
[address]
[town]
[postcode]
[Date]

[Employee's name]
[Employee's address]
[Employee's town]
[Employee's postcode]

Dear [name]

I confirm that on [date) I received your [form/letter/email] dated [date] raising concerns about [state issues].

In accordance with Jurassic Coast Tutors' whistleblowing policy, the first step is for you to provide me with more details of your concerns. Please find enclosed a form to set out your concerns. You should use this form to provide dates, times, locations and the identities of those involved in the wrongdoing, and details of any witnesses who can corroborate the allegations. Once your concerns have been sufficiently clarified, I will provide you with a written response as to how the matter will be investigated.

[OR if the Business Owner is implicated

In accordance with Jurassic Coast Tutors' whistleblowing policy, the first step is for you to provide me as the business owner with more details of your concerns. Normally, the Business Owner would investigate your concerns. However, as you have implicated him/her in the wrongdoing, I will be your initial point of contact and will provide you with a written response as to how the matter will be investigated. Please find enclosed a form to set out your concerns. You should use this form to provide dates, times, locations and the identities of those involved in the wrongdoing, and details of any

witnesses who can corroborate the allegations. Once your concerns have been sufficiently clarified, I will provide you with a written response as to how the matter will be investigated.]

Please be assured that the fact that you are the source of the disclosure will be kept confidential as far as possible. However, it is possible that individuals you work with may find out. If you are subjected to any detriment, or are bullied or harassed, for making a disclosure, you should inform me immediately and an investigation into the matter will follow to deal with perpetrators.

If you have any queries or concerns in the meantime, please do not hesitate to contact me on (telephone number)

Yours sincerely

Alison Bolsover

Jurassic Coast Tutors Owner

Or

Independent Spokesperson (if Business Owner is implicated)

APPENDIX B

WHISTLE BLOWING DISCLOSURE FORM – TUTOR-BASED STAFF

When to use this model whistleblowing form

For the Independent Tutor to make a formal disclosure.

Form wording

Making a public interest disclosure (whistleblowing)

This form is intended for use by any individual working with Jurassic Coast Tutors (including tutors, contractors, agency workers and volunteers) who wish to raise an issue about wrongdoing.

This form should be used to report wrongdoing within the School (for example, misconduct of a child protection nature, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under the Jurassic Coast Tutors' whistle blowing policy or grievance procedure, please read the Jurassic Coast Tutors' whistleblowing policy, which provides an example of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult the Business Owner for further advice. If you are implicating your Business Owner, then you should contact the Independent Spokesperson.

Once you have submitted this form, the Jurassic Coast Tutors' whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone you may have implicated below.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, Jurassic Coast Tutors will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to (Alison Bolsover Jurassic Coast Tutors Owner, 11 Love Lane, Weymouth Dorset DT4 8JZ or to the Independent Spokesperson if you are implicating the Business Owner) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (whistleblowing)

Individual's name:

| | |
|--|--------|
| Individual's job title: | |
| Date: | |
| Does your public interest disclosure relate to your Business Owner? | Yes/No |
| Summary of disclosure: | |
| Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required. | |
| Individuals involved: | |
| Please provide the names and contact details of any people involved in your concerns, including witnesses. | |
| Outcome requested: | |
| Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue. | |
| Declaration: | |
| I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me. | |
| Form completed by Full Name (please print): | |
| Signature: | |
| For completion by the Business Owner or Independent Spokesperson | |
| Date form received by the Business Owner Or Independent Spokesperson if Business Owner is implicated: | |
| Name of recipient and job role: | |
| Signature: | |