



## **Whistle Blowing Policy**

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**Authority: Principal Director, Connect2Education Ltd**

### **Introduction**

An employee or former employee makes a protected disclosure (sometimes called 'whistleblowing') when they report serious wrongdoing that they believe on reasonable grounds is, or has been, occurring in their workplace. By law (the Public Interest Disclosure Act 1998), whistleblowers are protected from: unfair dismissal – if someone is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal.

- 1.1 Connect2education Ltd is committed to the highest standards of openness, probity and accountability. We support the legislation afforded by the Public Interest Disclosure Act 1998 and therefore encourages its employees, contractors, local governing committees and members of the public and others that it deals with, to come forward and voice any serious concerns they may have about any aspect of the company's work.
- 1.2 Whilst the company has established rules, regulations and procedures to promote the highest standards of conduct and commitment to service delivery, irregularities, wrong-doing or serious failures in standards may sometimes occur. The company wants to identify and remove any malpractice in the performance and delivery of its services and an effective deterrent to such malpractice is the probability that it will be identified, reported and investigated and that appropriate remedial action will be taken where necessary.
- 1.3 The company recognises the need for cases to be treated confidentially. This policy makes it clear that employees can voice a concern without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable members, employees and others to raise serious concerns within the company rather than overlooking a problem or 'blowing the whistle' outside. Connect2Education recognises that a whistle-blower no longer has to show that a disclosure has been made in good faith (i.e. not arising out of an ulterior

motive such as self-interest). However, tribunals will now have the power to reduce compensation by up to 25% if the disclosure was made in bad faith.

- 1.4 Employees will generally be unable to ‘blow the whistle’ about breaches of their own employment contract. This is covered under a separate internal complaints procedure.

## 2. Aims and Scope

- 2.1 This policy is intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to the company will be swiftly and thoroughly investigated. It intends to provide all employees, agency workers, contractors and members of the company with :-

- . The confidence to raise concerns and to question.
- . Avenues for employees and others to raise those concerns and receive feedback on any action taken.
- . Ensure that those raising a concern receive a response to concerns raised (unless the concern is raised anonymously) and are aware of how to pursue them if they are not satisfied.
- . Reassurances that all efforts will be made to protect anyone reporting a concern from reprisals or victimisation.

- 2.2 The term ‘whistleblowing’ is meant to cover concerns that fall outside the scope of other types of issues relating to employment (e.g. breaches of employment contracts, grievances, allegations of harassment and/or bullying). Such complaints or grievances should be dealt with according to the Employee Concerns Policy. Set out below is a list which is intended to illustrate the sorts of issues which may be considered as malpractice or wrongdoing and which could legitimately be raised under this whistleblowing policy :

- . Corruption or fraud including obtaining (e.g. grants, loans, social care payments) or assets without entitlement
  - . Theft or misuse of assets (stores, equipment, vehicles, IT)
  - . Breach of or failure to comply with a statutory or legal obligation
  - . Health and safety risks, including risks to the public as well as other employees
  - . Failure of an individual to comply with their professional institute’s standards of conduct
  - . Abuse of direct payments/personal budgets
  - . Deliberate falsification of data or information
  - . Deliberate disclosure of personal information (depending on circumstances, this may be investigated under the company’s information security breach investigation procedures)
  - . Failure of an individual to comply with the company’s policy or procedure
  - . Damage to the environment or company property
  - . Abuse of power or position or corrupt practices
  - . Deliberate concealing of information relating to any of the above.
- (see also Staff Handbook for employees of Connect2Education)

- 2.3 These examples are not exhaustive and the overriding concern should be that it would be in the public interest or in the interests of others or the company for alleged malpractice to be corrected and if appropriate, sanctions applied.

So, individuals can follow this policy to report concerns which:

- . Make them feel uncomfortable in terms of known standards, their experience or the standards they believe the company subscribes to, or
- . Fall below established standards of practice, or
- . Amount to improper conduct.

### 3. How to raise a concern

3.1 It is envisaged that, in many cases, the first point of contact for raising a concern should be Maxine Tasker, Head of Teaching & Learning (for employees) or the Director Gordon Phillips. It will become this individual's responsibility to perform a prompt and initial investigation of all matters reported to them. However, it is appreciated that there may be circumstances where an individual does not feel able to report a whistleblowing matter to one of the individuals listed above (for example when the whistle blower suspects that the individual may be involved in the alleged malpractice or where the matter has been raised but the relevant individual has failed to take the appropriate action). In such cases, the matter should be reported to Connect2education's DIRECTOR. Who can be contacted as detailed below:-

Mr Gordon Phillips

Connect2Education Ltd

Unit 2 Office 8

Roseberry Court

Stokesley

TS9 5QT

Tel: 01642 961230

3.2 Employees might wish to discuss their concerns in confidence with a colleague first, and may find it easier to raise the matter if there are two or more employees who have the same concern.

3.3 The amount of contact between the officers considering the issues and the whistle blower will depend on the nature of the matters raised and the clarity of the information provided. If necessary, further information will be requested from the whistle blower.

3.4 When a meeting is arranged between the whistle blower and the investigating officer(s) in connection with the concerns raised, then the whistle blower has the right, if they so wish, to be accompanied by a trade union or professional association representative or a work colleague. Such meetings can also be held at a mutually agreeable location.

3.5 If you need further advice on how to raise a concern, please contact our external HR advisers.

## 4. How the Company will respond

4.1 In order to protect both individuals and the company initial enquires will be made to decide whether an investigation is appropriate and if so, in what form. The action taken and procedure to be followed will depend on the nature of the concern. Concerns or allegations that fall within the scope of specific procedures (e.g. employment contract issues) will normally be referred for consideration under these procedures. Some concerns may be resolved by agreed action without the need for detailed investigation.

4.2 The matters raised may involve:

- . Internal investigation by management
- . Referral to the Police
- . Referral to the external auditor

4.3 Within 10 Working days of a concern being received (unless, in circumstances, this is inappropriate or impractical) the officer designated to perform the investigation will write/email the whistle blower to:-

- . Acknowledge that the concern has been received
- . Indicate how the company intends to deal with the matter
- . Give an estimate of how long it will take to provide a final response
- . State whether any initial enquires have been made
- . Tell the employee whether further investigation will take place and if not, why not.
- . Provide information on staff support mechanisms if appropriate.

4.4 Whistle blowers may be asked to supply more information or to clarify, if necessary. When any meeting is arranged, the whistle blower has the right if they so wish to be accompanied by trade union representative or work colleague who is not involved in the area of work to which the concern relates.

4.5 The company understands that the whistle blower needs to be assured that their concerns have been investigated and addressed. Subject to legal constraints, information about the outcomes of any investigations will be provided to the whistle blower.

4.6 The company's commitment to the highest possible standards of probity means that it will ensure that the necessary resources are put into investigating any concerns received under this policy. As a consequence of this the company will view very seriously any obvious false or malicious allegations which it receives and will regard the making of any deliberately malicious or vexatious allegations by any employee or member as a potential disciplinary matter.

## 5. The responsible Officer

5.1 The DIRECTORS have overall responsibility for whistleblowing concerns and will maintain a confidential record of concerns raised and the results of any investigations made.

## 6. Whistle blower Safeguards

6.1 The company will not tolerate any attempt on the part of any employee or member to take reprisals against any person who has reported a serious and genuine concern. The company will treat any such recriminations, victimisation or harassment by any employee or member of the company as a serious matter which may in the case of an employee, amount to a disciplinary matter and in the case of a member or member of a local governing committee to a matter depending on the circumstances, that may amount to a breach of the relevant code of conduct. If a whistle blower who has raised a valid concern under this Policy feels that they have been that they then have been victimised as a result of raising such concerns, they can raise the matter directly with the DIRECTORS.

6.2 A whistle blower may be entitled to take civil action against any employee or member that subjects them to any recrimination, victimisation or harassment as a result of raising a concern. Moreover, the company could be held liable if it has not taken all reasonable steps to prevent such conduct occurring. Individuals may also have statutory protection under the Public Interest Disclosure Act 1998.

6.3 The company will respect (so far as it can legally) the confidentiality of any whistleblowing complaint received, where the whistle blower requests that confidentiality. However, it cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistle blower. It should be appreciated that it will be easier to investigate allegations if the whistle blower is prepared to provide his/her name. Unsupported and anonymous complaints are less powerful and have to be treated with caution. There will be circumstances where information must be disclosed for legal reasons e.g. an obligation under the Freedom of Information Act or if the circumstances of an allegation amount to a serious crime there may be a requirement to pass information to senior officers or to the Police or external auditors.

6.4 The Company will take steps to minimise any difficulties which the whistle blower may experience as a result of raising a concern. For instance, if a whistle blower is required to provide evidence in criminal or disciplinary proceedings, the Company will take appropriate advice about the procedure.

## 7. Taking Matter Further

7.1 This policy is intended to help employees raise concerns within the company and hopes that employees will be satisfied with any action taken. If employees are not satisfied that the outcome of the investigation has adequately addressed the concerns raised then they should advise the DIRECTORS.

7.2 If individuals feel it is right to raise a matter outside the company the following are possible contact points:-

- . Relevant professional bodies or regulatory organisations
- . Information Commissioner's Office
- . The Police (where criminal activity is suspected)
- . Appropriate trade union/professional association
- . Your solicitor
- . Public concern at work

The ACAS Helpline (0300 123 1100) provides free and impartial advice for employees on a range of issues, including whistleblowing in the workplace. Do not rely on ACAS for legal advice, they are not lawyers;

7.3 Public concern at work is a registered charity set up to give free independent advice to employees who contact them with concerns. The public concern work telephone number

For general enquiries and helpline is: - Tel +44(0)020 3117 2520

7.4 If employees do consider reporting a matter outside of the company, they should note that the relevant legislation anticipates that matters should generally be considered internally by organisations. Individuals making disclosures to outside bodies will only receive statutory protection under that legislation in certain circumstances. In particular, employees must honestly and reasonably believe that the information and allegations are true.

## 8. Review of Policy

8.1 This Policy will be reviewed annually.

8.2 Revisions will be made in the interim, as and when required, to address changes in legislation and/or government policies.

For further information on Whistleblowing and protection for employees you can contact <https://protect-advice.org.uk/>