

HART LEARNING GROUP

WHISTLEBLOWING POLICY



GOVERNANCE AND CONTROL

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Accountable member of Group SMT	Lizzie Jones
Responsible member of staff	Vicki Ellis
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AUDIENCE

Applicable to students?	Yes
Accessible to students?	Yes
Accessible to public?	Yes

PURPOSE

The policy helps us ensure that staff understand that they can safely raise concerns about possible malpractice at work without fear of negative consequences.

- At one time or another you may have a concern about what is happening at work. Usually concerns are easily resolved and there are various procedures for reaching such resolution. However, when the concern feels serious because it is about a possible fraud, danger to staff, students or the public or malpractice in the way in which the organisation operates it can be difficult to know what to do.
- You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling that it is “none of your business” or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- The Board and Chief Executive of the Hart Learning Group are committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.
- If something is troubling you which you think we should know about or look into, please use this policy. If, however, you wish to make a complaint about your employment or how you have been treated, please use the appropriate policy, for example the

grievance policy or dignity at work policy; these are available from HR and held in SharePoint with the HR policies.

- This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, students and customers, staff or the organisation itself. Annex A provides short case studies of whistleblowing that have been handled by our partner organisation, Protect (Whistleblowing Advice) Ltd.

SCOPE

This policy applies to all who work for us, whether full-time or part-time, employed through an agency or as a volunteer and all employees within the Hart Learning Group including North Hertfordshire College, Hart Learning & Development, Hart Schools Trust and Group Corporate Services.

OUR ASSURANCES TO YOU

YOUR SAFETY

- The Board and Chief Executive are committed to this policy. Provided you are raising a genuine concern, then it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter that they know is untrue.
- If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

YOUR CONFIDENCE

- With these assurances, we hope that you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.
- Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.
- To support colleagues that may be unsure about raising a concern the Group has commissioned an independent organisation, Protect (Whistleblowing Advice) Ltd to support and advise staff with Whistleblowing advice (see contact details under Independent Advice).

RAISING A CONCERN INTERNALLY

- Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

STEP ONE

- If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing.

STEP TWO

- If you feel unable to raise the matter with your manager, for whatever reason, then please raise the matter with Robert Dale, Company Secretary, rdale@nhc.ac.uk
- The Company Secretary has responsibility and is trained in dealing with whistleblowing concerns.
- If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.

STEP THREE

- If the step two channel has been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with the Company Secretary, then please contact:
- The Chair of the Audit Committee, Hart Learning Group, Cambridge Road, Hitchin, SG4 0JD.

HOW WE WILL HANDLE THE MATTER

- We will acknowledge receipt of your concern, usually within two working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. In all cases the Chair of the Audit Committee will be notified of the concern that has been raised. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing, then please let us know.
- When you raise the concern, it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.
- Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

- While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.
- If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern then please contact any of the staff listed above or the HR manager.

INDEPENDENT ADVICE

- If you are unsure whether or not to use this policy or you want confidential advice at any stage, then you may contact the independent charity, Protect (Whistleblowing Advice) Ltd on 0203 117 2520 or by email at whistle@protect-advice.org.uk. Their staff and/or lawyers can talk you through your options and help you raise a concern about malpractice at work.

EXTERNAL CONTACTS

- We hope this policy gives you the reassurance you need to raise your concern internally with us. However, we recognise that there may be circumstances where you can properly report a concern to an outside body such as the appropriate regulator. We would rather you raised a matter with the appropriate regulator – such as the Health & Safety Executive, Ofsted, etc. - than not at all.
- Protect (Whistleblowing Advice) Ltd will be able to advise you on such an option if you wish.

MONITORING AND OVERSIGHT

- The Board and its Audit Committee are responsible for this policy and will:
 - Review it bi-annually;
 - Receive updates on all whistleblowing disclosures.
- The Senior Management Team:
 - Will monitor the day-to-day operation of the policy (if you have any comments or questions, please do not hesitate to let one of their team know);
 - Is responsible for ensuring that there is awareness of this policy through regular communication and promotion;
 - Is responsible for ensuring that staff with defined responsibilities within this policy receive appropriate training.

ANNEX A: CASE STUDIES

CASE STUDY 1

THE BACKGROUND

The Director and senior colleague of a community resource project had left their positions to take up new posts in a charity. To replace them, the project recruited a finance officer, CM, who had a lot of experience in the area, and appointed the deputy director to act as interim manager until this post was filled. Not long after joining, CM discovered that the two former staff had drawn and signed cheques to one another at a value of almost £1000. While these were listed as outstanding holiday pay, CM was concerned that no deduction had been made for tax or national insurance and there was no indication that the payments had been authorised. To try and sort the issue out, she asked a colleague for their holiday records but was concerned that large sections had been encrusted with Tippex. CM raised the issue with the Deputy Director and dropped him a short note to say she awaited his instructions. The next day CM was suspended for “malicious mischief resulting in danger to fellow employees; reading personnel records without prior consent; discussing these issues with other members of staff other than the Deputy Director; and discourteous behaviour. Two weeks later at her disciplinary hearing she was dismissed for gross misconduct. She then contacted us.

WHAT PROTECT (WHISTLEBLOWING ADVICE) LTD ADVISED

We discussed all the options with her, as to her own position and the concern. Though she was very hurt by what had happened, she felt the project was good and was keen to stay and try to sort out its finances. If things did not improve, she would seek another job.

WHAT HAPPENED

We helped her bring an internal appeal against the dismissal explaining what had happened and mentioning the new law. This was successful and she returned to her post.

CASE STUDY 2

THE BACKGROUND

Anita was a health visitor for children aged 0-5 years and had been in the field for a number of years. She worked with a team of health visitors and her line manager. During this time, Anita became increasingly concerned over a colleague, C's, failure to carry out their work responsibilities. Anita and her other colleagues collected evidence that C had missed several home visits and had covered this up. Initially Anita's colleagues were reluctant to share this information due to their line manager's close relationship to C. Additionally, within this period, a child had died and although C was not responsible, there were a number of discrepancies in the quality of C's care. A client had also filed a formal complaint against C. The staff finally decided to talk to their line manager about their concerns, however after concerns were raised, C accused the rest of the staff of bullying her and was sent home with the policy guide book on bullying. C returned to work and a meeting was held. During the meeting, their line manager attributed various complaints to specific members of staff. Anita was upset that 1) naming had occurred and 2) C's performance issues were not discussed. Anita contacted Protect (Whistleblowing Advice) Ltd for advice on how to approach her line manager to raise her concerns regarding the quality of C's care. Anita believed that C needed extended supervision by someone outside of the team and wanted to suggest this to her line manager.

WHAT PROTECT (WHISTLEBLOWING ADVICE) LTD ADVISED

We suggested that Anita should meet with her line manager and emphasise that her concerns were not personal and should frame her suggestions constructively. We advised that Anita could suggest that C needed extra help or additional training. We also advised Anita to recognise that ultimately it is her line manager's decision and she only needed to raise her concerns with her line manager, or with the Area Manager, if she believed that the concerns were not dealt with effectively by her line manager.

WHAT HAPPENED

Anita said she had a good relationship with both her line manager and the Area Manager and thanked Protect (Whistleblowing Advice) Ltd for the advice.

CASE STUDY 3

THE BACKGROUND

A senior compliance manager was responsible for ensuring the information security of employee personal data. There was a breach in the data processing made by a third party data processor acting for the employer. This breach led to a substantial amount of personal and confidential data being released into the wrong hands. He reported the breach as required under the company's security policy, but his line manager put pressure on him to not to go through with whistleblowing and inform the affected individuals or the ICO (Information Commissioner's Office).

The manager made a protected disclosure to the Global Head of HR. To qualify for protection, an employee must reasonably believe that he is making a qualifying disclosure. The disclosure must also be made in the public interest. Given the number of people impacted by the data protection breach, the wider public interest requirement was clear.

However, the manager's disclosure was ignored. Then he was given an 'underperforming' rating at his appraisal following the disclosure. His employer then selected him for redundancy as a poor performer and dismissed him.

Any dismissal because of whistleblowing is automatically unfair and there is no qualifying employment period or cap on compensation when claiming unfair dismissal due to whistleblowing. Just over one year after making his disclosure, the manager was dismissed.

WHAT HAPPENED

As a result, the manager sought external legal advice, and was advised that he had a strong case with evidence suggesting that the detrimental treatment and dismissal had a link to the protected disclosure. Before the disclosure, he had been well regarded and had received good appraisals.

His adviser assessed the likely level of compensation that could be awarded based on the loss of earnings. Fired employees are required to look for another job (mitigate their losses), but that can be difficult where breaches have been reported. As such, compensation for dismissal due to whistleblowing is uncapped and can run into many thousands of pounds. Additionally, compensation for injury to feelings can be claimed for any detriment suffered up to the point of dismissal. In this case, the employer settled before court action went ahead.