

# Whistleblowing Policy



## Overview

The Emil Dale Academy (EDA)\*\*\*\* is committed to maintaining the highest standards of openness, probity and accountability.

*\*\*\*\*In this policy, the abbreviation of EDA will be used but covers all business streams of the Emil Dale Academy.*

We seek to operate in a responsible, transparent manner, taking into account the requirements of higher education governance, where applicable, and the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

EDA encourages an environment where staff and students alike feel respected, safe and welcome. That being said, we are aware that wrongdoing does happen. And where and when it does, it is vital that we are made aware so that we may seek to put things right, address any weaknesses in systems and processes, and take appropriate action.

## Purpose

This policy has been created to promote, establish and encourage openness, integrity and accountability, and to tackle wrongdoing.

This policy and the procedure that will follow enables staff and students to raise concerns internally, under strict confidentiality, about malpractice, fraud, health and safety, criminal offences, miscarriages of justice, inappropriate behaviour, unethical conduct or a failure to comply with legal obligations.

This Whistleblowing Policy is one element of a wider set of arrangements we have in place to uphold high standards and prevent wrongdoing. It is not a substitute for the normal line manager processes but in addition to them. This is not to be seen as a substitute to existing procedures and should only be implemented when all other existing internal procedures are felt to be inappropriate, or if the staff member in question feels they cannot speak to their head of department, line manager, or in the case of a student, the relevant head of department.

The policy aims to demonstrate that EDA:

- Does not tolerate malpractice;
- Respects staff and their confidentiality when raising concerns, in so far as is consistent with effectively progressing issues;
- Will provide opportunities for concerns to be raised outside of normal line management where appropriate;
- Will provide clear and simple instructions for staff and students raising concerns, that is accessible to all;
- Will take appropriate action when a claim is found to be malicious or false.

## Who can raise a concern?

While this policy is specifically designed for staff directly employed by EDA, including hourly paid workers, and students, any individual with a serious concern about malpractice or serious wrongdoing in any way can make a claim.

This policy is not designed to question financial or business decisions taken by EDA, nor may it be used to reconsider matters that have been addressed under the Student Complaint Procedure, and the Disciplinary Procedure. It is not an alternative mechanism for students to raise matters relating to their own learning or that of their colleagues.

## What is whistleblowing?

Whistleblowing is the act of disclosing information that relates to suspected wrongdoing or danger within the workplace.

A 'whistleblower' is a person that, in good faith, raises a concern relating to wrongdoing or danger affecting any stream of the EDA business, faculty member, or student.

## Scope

EDA has in place a number of policies and procedures including the Student Complaint Procedure, and the Disciplinary Procedure. This policy is intended to cover concerns of public interest that may be investigated separately. These might include:

- Financial malpractice, or fraud;
- Academic malpractice;
- Miscarriage of justice;
- Failure to comply with a legal obligation(s);
- Dangers to health and safety of the environment;
- Breach of Contract;
- Criminal activity;
- Negligence;
- Improper conduct or unethical behaviour likely to damage EDA's reputation;
- Encouraging Radicalisation & Extremism
- Attempts to conceal any of the above.

This is by no means a comprehensive list and any matter raised under this policy will be taken seriously.

## Safeguards

### Protection

Under this policy, protection will be given to all employees provided that their disclosure is made:

1. In accordance with the procedure outlined
2. In good faith
3. In the reasonable belief of the individual making the disclosure that it tends to show malpractice

No student or staff member will suffer a detriment or be disciplined for raising a genuine and legitimate concern.

### Confidentiality

All allegations brought to EDA will be handled in a confidential and secure manner. The identity of the individual making the claim will be kept confidential so long as it does not hinder any investigation that may follow. However, the investigation process might require a statement as part of the evidence which may reveal the source.

Where criminal activity is concerned the Police will be notified. This is also true of any safeguarding issues involving a minor.

### Anonymous Allegations

This policy encourages people to use their name when making a claim. Concerns expressed anonymously are far less powerful and are only considered at the discretion of the School, taking into account the following points:

1. The seriousness of the issues raised;
2. The credibility of the concern; and
3. The likelihood of confirmation of the allegation.

### **Untrue Allegations**

Where an allegation has been made in good faith, which is not confirmed by subsequent investigation, no action will be taken against the individual. However, if the investigations show that a complaint has been made with malicious or vexatious intent, disciplinary action may be taken against the individual concerned.

## **Procedure**

This process is separate from the complaint procedure. This procedure is to enable staff and students to raise legitimate concerns regarding malpractice.

A disclosure should be made in writing to the Deputy Principal or Principal and must be marked “personal” to ensure confidentiality is maintained.

Once the disclosure has been received the recipient will consider the information and decide whether an investigation is needed and what form it should take. This will depend on the nature of the matter. Where possible matters will be handled internally, but if necessary the relevant outside body may be included, for example, the Police or the Higher Education Funding Council.

If the recipient decides an investigation is not necessary, the decision will be explained as fully as possible to the individual who raised the concern.

Where it is decided an investigation is needed, it will be conducted sensitively and as quickly as possible. The investigation may be conducted by an internal auditor, or by another appropriate person as approved by The Principal. The investigator will then report their findings to the person to whom the disclosure was made, who will decide if there is a case to answer, and what procedure to follow. The investigator may make recommendations for change to minimise the risk of future wrongdoing.

Where disclosure is made, the person or persons against whom the claim was made will be told at an early stage and of the evidence supporting the claim. They will be given the opportunity to respond. The individual making the disclosure will be informed of what action is to be taken. It is expected that the individual will treat any information about the investigation or the results as strictly confidential.

Should an investigation conclude that there has been a breach of EDA’s rules and regulations or Code of Conduct, the member or members of staff responsible may be subject to disciplinary action in accordance with the appropriate Disciplinary Procedure. The member or members of staff responsible may also be subject to criminal proceedings.

Whilst EDA cannot guarantee the preferred outcome of the person raising the claim, we will try to handle the concern fairly and in an appropriate manner. There are no appeals against any decisions made under this procedure.

## **Recording outcomes**

An official, written record will be kept of all disclosures and the action taken. Records will be kept for at least five years.

## Advice, protection and support

EDA recognises that the decision to make a disclosure as a whistleblower is not an easy one. Individuals considering taking action are advised to consider the following:

- Make any objections to observed or perceived illegal or unethical practices promptly;
- Focus on the issues and proceed in a tactful manner to avoid personal antagonism which distracts from solving the problem;
- Be accurate with observations and keep formal documentation of events.

EDA encouraged openness and will support staff members or students that raise a genuine concern in good faith under this policy, even where it turns out they are mistaken.

An individual raising a claim will not suffer detrimental treatment for raising a genuine concern. Detrimental treatment may include:

- Dismissal;
- Disciplinary action;
- Threats or unfavourable treatment.

If an individual feels they have suffered any such treatment they should inform a member of the senior management team immediately. A whistleblower must not be threatened in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff members at EDA are responsible for the success of this policy and must ensure that any suspected danger or wrongdoing is reported quickly, using the correct method.

## External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and rectifying any safety concerns. In most cases, there is no need for an individual to alert anyone externally. It will very rarely, if ever, be appropriate to alert the media. EDA strongly encourages individuals to seek advice before reporting a concern to any external body. The independent whistleblowing charity, Public Concern at Work operates a confidential helpline. Where possible, individuals are encouraged to report all issues internally first.

Version Number	Date of Issue	Review Date	Author	Changes Made/ detail
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