

Whistleblowing Policy and Procedure

Introduction

Cambridge Spark is committed to openness and accountability. In line with this commitment we expect employees, Learners, or those contracted to provide services to the Company who have serious concerns about any aspect of our work to come forward and voice those concerns with the knowledge that, if made in good faith, their action will be viewed positively.

What does the policy cover?

The Whistleblowing Policy and Procedure gives staff, Learners and third parties a clear procedure on how to raise any concerns which do not fall under the remit of the Learner Complaints or Grievance policies and procedures.

Whistleblowing is not the same as a complaint. It is about raising concerns regarding malpractice or wrongdoing within the Company. The Whistleblowing Policy and Procedure may not be used to re-open or review a matter already decided under other policies and procedures.

The concerns covered by the Whistleblowing Policy and Procedure are:

- actual or suspected criminal offences
- failure to comply with legal obligations
- serious health and safety risks
- damage to the environment
- financial malpractice, impropriety or fraud
- academic or professional malpractice
- deliberate suppression or concealment of any of the above.

What to do next if you wish to raise a concern?

Are you a member of staff?

In the first instance, please contact your line manager, or another appropriate manager to raise your concern. If this is not possible please contact the Director.

Are you a Learner?

In the first instance, please contact your tutor/assessor. If this is not possible please contact the Director.

Are you a third party to the Company?

In the first instance, please contact your key connection at the Company. If this is not possible please contact the Director.

A person who receives such information should contact HR who will support and guide through the process, and which may flow through to an existing Company policy/procedure.

Whistleblowing Policy and Procedure

1. Policy Statement

This policy is the definitive policy on whistleblowing. References to whistleblowing in any other policies or documents are superseded by this policy.

1.1 The aims of this policy are:

1.1.1 To encourage individuals to bring concerns to the Company's attention using informal routes as a starting point where relevant, for example a line manager.

1.1.2 To establish a formal route where informal routes are not appropriate.

1.1.3 To enable individuals to report suspected malpractice, impropriety or wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.

1.1.4 To reassure individuals that they should be able to raise genuine concerns in good faith without fear of reprisals.

1.1.5 To provide individuals with guidance as to how to raise those concerns.

2. What is whistleblowing?

2.1 The UK Government introduced legislation in the form of the Public Interest Disclosure Act 1998 ('PIDA') which is designed to give protection to employees who disclose confidential information about malpractice in the workplace. Such disclosures are commonly referred to as 'whistleblowing.'

2.2 This may include information relating to:

2.2.1 actual or suspected criminal offences

2.2.2 failure to comply with legal obligations

2.2.3 serious health and safety risks

2.2.4 damage to the environment

2.2.5 financial malpractice, impropriety or fraud

2.2.6 academic or professional malpractice

2.2.7 deliberate suppression or concealment of any of the above

2.3 A 'whistleblower' is a person who raises a genuine serious concern in good faith relating to any of the above.

3. Who / What is covered by this policy?

3.1 Whilst the terms of PIDA specifically cover those employed in the UK, this policy and procedure makes provision for any member of staff (including agency workers), learner, or those contracted to provide services to the Company to raise concerns about malpractice, impropriety or wrongdoing within the Company and to do so with the knowledge that, if made in good faith, their action will be viewed positively. Whistleblowers will be protected from victimisation.

3.2 The whistleblowing procedure may not be used to re-open or review a matter already decided under other policies and procedures.

4. To whom should a report be made?

4.1 The Company expects an individual to raise any concerns informally with a line manager in the first instance. They may be able to agree a way of resolving the concern quickly and effectively.

4.2 If 4.1 does not apply (as the individual is, for example, a line manager) or: the matter is more serious; the individual does not feel their line manager has adequately addressed their concern or does not feel able to raise the issue with their line manager/tutor, the individual can raise their concerns with the Director (referred to from here as a 'designated person').

4.3 In cases of disclosure relating to the Director, disclosure should be made to the Awarding Body or Funding Organisation.

4.4 Concerns should be made in writing to the designated person.

5. What will happen next?

5.1 If, on preliminary examination, the concern is judged to be wholly without substance or merit, no further action will be taken and the whistleblower will be informed by the designated person.

5.2 If there is a prima facie indication of malpractice, the designated person will arrange for an investigation.

5.3 The designated person may appoint another person to undertake the investigation on his/her behalf.

5.4 In cases of a disclosure of a financial nature the designated person may refer the matter to the Financial Director.

5.5 The designated person will inform the whistleblower the name of the person chosen to conduct the investigation, and they have 2 working days to notify the designated person, in writing, if they have any reasonable objection (as determined by the designated person) to that person carrying out the investigation. The designated person has the final decision on the matter.

5.6 The person who carries out the investigation will report their findings to the designated person.

5.7 The designated person will then decide on the course of action to be taken.

This may be one or more of the following:

5.7.1 Take no further formal action, aside to inform the whistleblower of the decision and reasons for it (recommendations may include training, mediation etc.);

5.7.2 Refer the matter for appropriate action within existing Company procedures (e.g. Health and Safety Procedure, Disciplinary Policy (staff/Learners), Grievance Procedure, Learner Complaints Procedure);

5.7.3 Refer the matter to the police in the case of alleged criminal activities.

5.8 Upon conclusion of an investigation the designated person will let the whistleblower know the outcome.

6. Notification to the subject(s) of the disclosure

6.1 Where there is an investigation, the person or persons identified as the subject of the concern will be informed of each allegation made against him/her and any evidence supporting it and will be allowed to respond before any investigation is concluded.

7. Suspension

7.1 The Company reserves the right to enforce a suspension where deemed necessary in accordance with the section of the Company's disciplinary procedures on suspension (staff) or the Conduct and Discipline of Learners (Learners).

8. Representation

8.1 All staff invited to co-operate with an investigation have the right to be accompanied by a work colleague or trade union representative.

8.2 All Learners invited to co-operate with an investigation have the right to be accompanied by a fellow student or Learners' Union representative.

8.3 The companion will be required to respect the confidentiality of the disclosure and subsequent investigation.

9. Timescales

9.1 The designated person will seek to keep the whistleblower informed of the progress of the investigation and its likely timescale.

9.2 Investigations will be conducted as speedily as possible having regard to the nature and complexity of the disclosure.

10. Confidentiality

10.1 Where possible, the identity of the whistleblower will be protected. There may be circumstances, however, where it will not be possible to proceed without revealing the whistleblower's identity, for example if the whistleblower's evidence is needed in the investigatory process, at a disciplinary or court hearing. Should this be the case, the matter will be discussed with the whistleblower at the earliest opportunity.

10.2 Note that the need for confidentiality may prevent the designated person from providing the specific details of the investigation or actions taken, to the whistleblower.

10.3 The whistleblower should treat any information about the investigation as confidential.

11. Anonymous Complaints

11.1 The Company cannot investigate anonymous complaints or whistleblowing reports. It would be difficult to establish whether any allegations are credible and have been made in good faith; equally it would be difficult to investigate properly.

12. Malicious Allegations

12.1 If an investigation under this procedure concludes that a disclosure has been made maliciously, in bad faith or with a view to personal gain, the Company reserves the right to take appropriate action, which may include disciplinary action for staff and Learners.

13. Protection of whistleblowers

13.1 Individuals who raise genuinely-held concerns in good faith under this procedure will not be dismissed or subjected to any detriment as a result of such action, even if they turn out to be mistaken. Detriment includes unwarranted disciplinary action or victimisation.

13.2 If a whistleblower believes that he/she has suffered any such treatment as a result of raising concerns under this policy, he/she should:

- **Staff:** raise the matter with HR in the first instance who will work with the interest of all parties to seek resolution, and this may include mediation and the informal grievance route.
- **Learners:** raise the matter with Learners Voice in the first instance.

Alternatively, or If the resolution is not considered satisfactory, then the matter can be raised formally under the staff grievance or student complaints procedure as appropriate.

13.3 Any staff member or student who victimises or retaliates against those who have raised concerns under this policy will be subject to disciplinary action.

14. Records

14.1 All concerns raised and action taken in response to disclosures will be recorded, and reports on all disclosures and investigations will be retained by the designated person for a period of two years.

15. Support and Advice

15.1 If a member of staff needs independent advice about a whistleblowing issue, they can contact HR on 01223 628 885.

15.2 If a Learner whistleblower is not satisfied by the process or outcome of the internal procedures, he/she may be entitled to refer the matter to the director or company governing organisations.