

REMARKABLE AUTISM LTD

THE AUTISM SPECIALISTS

Whistleblowing Policy

April 2023

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This policy should be read in conjunction with the following policies:	
1	Safeguarding Children Policy
2	Safeguarding Vulnerable Adults Policy
3	Staff Grievance Policy
4	Staff Disciplinary Policy
5	Health and Safety Policy
6	Equal Opportunities Policy
7	Staff Code of Conduct
8	Keeping children safe In education: Statutory guidance for school and colleges

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Introduction

- Remarkable Autism Limited (known as Remarkable hereafter) is committed to maintaining a culture of openness, accountability, and integrity. We seek to ensure that employees and workers at Remarkable feel secure in raising concerns about any activity, which may harm individuals or undermine the school or college.
- Remarkable has adopted this Whistle Blowing policy to provide clear guidance to those who may need to raise concerns.
- This policy and procedure have been prepared in accordance with the Public Interest Disclosure Act (PIDA) 1998 and DfE (Department for Education) guidance for schools.
- This policy applies to all persons working for Remarkable or on behalf of including governors and trustees, employees at all levels whether permanent or temporary, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives, paid or unpaid.
- Training is provided on whistleblowing as part of the safeguarding and child protection training regularly provided by Remarkable.
- This procedure does not form part of any employee's contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.
- All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. By promoting a culture of openness within Remarkable employees, partners and other stakeholders are encouraged to raise issues which are of concern at work.
- By knowing about malpractice at an early stage, steps can be taken to safeguard the interests of all staff and prevent fraud and corruption before it happens.
- Employees should not hesitate to "speak up" or "blow the whistle" if they malpractice may be occurring.

Purpose

- Remarkable expects all employees, and others involved in the work of the school and college who have serious concerns about any aspect of the work carried out within Remarkable to come forward and raise those concerns. All employees and workers at Remarkable have a responsibility for whistleblowing.
- The purpose of this policy and procedure is to make it clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination, or disadvantage. Employees are encouraged to raise serious concerns in the first instance within Remarkable rather than overlooking a problem or 'blowing the whistle' outside, and it is preferred that the matter is raised when it is just a concern rather than waiting for proof.

- This policy and procedure applies to all employees and those working for the school and college for example, agency staff. It also covers those providing services under a contract with the school and college and organisations working in partnership with Remarkable

Aims

The whistle blowing policy was designed to create a spirit of openness throughout Remarkable and to deter serious malpractice.

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns;
- Provide avenues for you to raise those concerns and receive feedback on any action taken;
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- Reassure you that you will be protected from reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

Roles and Responsibilities

CEO/Chair of Trustees:

The CEO (Chief Executive Officer) (or where the complaint is about the CEO, the Chair of Trustees) is expected to act swiftly and constructively in the investigation of any concerns and will appoint a manager as the designated person to conduct this. The designated officer will report to the Chief Executive who will be responsible for the commission of any investigation.

Human Resources

This policy shall be reviewed by HR and will be agreed through the governance process.

HR is responsible for collating details of any cases, which are dealt with under this procedure and will provide a report to the Personnel Committee. The report will outline the nature of the concern and the outcome in a form that does not endanger the employee's confidentiality.

Managers

All managers are responsible for ensuring that staff, volunteers, agency along with anyone working within their department are aware of the policy and its application, and for creating an environment in which they can express concerns freely and without fear of reprisal.

Individuals

The individual has a responsibility to raise concerns providing they have a reasonable belief that malpractice and/or wrongdoing has occurred.

Scope

- This policy and procedure are intended to cover concerns that fall outside the scope of other procedures, including Remarkable's complaints procedure, and staff grievance policy.
- This policy should be used for concerns about-
 - Any unlawful act, whether criminal or a breach of civil law;
 - Maladministration, as defined by the local government ombudsman
 - Breach of any statutory code of practice
 - Breach of, or failure to implement or comply with, financial regulations or standing orders
 - A miscarriage of justice
 - Any failure to comply with appropriate professional standards
 - Fraud, corruption, or dishonesty
 - Actions which are likely to cause physical/mental/psychological danger to any person, or to give rise to a risk of considerable damage to property
 - If you believe someone is covering up wrongdoing
 - Loss of income to the school and college
 - Someone's health and safety is in danger
 - abuse of power, or the use of Remarkable's powers and authority for any unauthorised or ulterior purpose
 - Remarkable breaking the law, for example does not have the right insurance
 - discrimination in the provision of education
 - any other matter that staff consider they cannot raise by any other Procedure
- It should be emphasised that this policy and procedure is intended to assist employees or workers who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy.
- It is not designed to question financial, or business decisions taken by Remarkable, nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint, or disciplinary procedures.
- Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

What is Whistleblowing?

- Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to our activities. This includes bribery, fraud or other criminal activity, injustices, health and safety risks, damage to the environment and any breach of legal or professional obligations.
- Sometimes we may have concerns about events that are taking place at work. These concerns are resolved through provision of information and informal discussions with the Line Manager or other senior people. When an individual feels that the informal route is not appropriate they make a formal disclosure.
- The term 'Whistleblowing' is used to describe a formal disclosure of alleged corruption, malpractice or wrongdoing made to the appropriate person in authority. In the case of Remarkable this disclosure might be based on a colleagues conduct during employment or about Remarkable systems, procedures or customs and practice.

Protection

- Remarkable is committed to the Whistleblowing Policy and individuals are encouraged to raise concerns about malpractice in the context of the policy. Concerns will be treated seriously and actions taken in accordance with this policy.
- Remarkable will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual when they raise a concern even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistle-blower may result in disciplinary action against the person responsible.
- Whistle-blowers receive protection Under the Public Interest Disclosure Act (PIDA) 1998, workers are protected from dismissal or other detriment if they follow the whistle blowing procedure. Further information can be found at the end of the policy under [Appendix 1](#).
- Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which an employee may be subject.
- If an employee's concern is not confirmed by the investigation, no action will be taken against them. If, however it is determined through an investigation that an employee made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

How to raise a concern (Informally and Formally)

Informally

- Employees may informally raise their concern with their line manager first. This may be a verbal discussion or in writing. The issue will be treated in strict confidence. If the manager cannot deal with it, they will take it to the next most senior person within Remarkable.
- If the employee feels the Manager is an inappropriate person to talk to, they may take their concern to a more Senior Manager, the HR Manager or report their concerns through the Whistle Blowing Hotline **07842861812**. (Guidance on the Information required when raising a concern is detailed in [Appendix 3](#))
- Where the individual is not comfortable speaking with the managers or HR and remains unsure whether to use this procedure or to begin whistleblowing action, then they can obtain independent advice by contacting the charity Public Concern at Work on 0207 404 6609.
- All concerns will be investigated and dealt with as appropriate. The Manager involved will ensure that HR and the CEO are informed and involved as appropriate (unless the CEO themselves is implicated, in which case the Chair of the Board of Trustees). The staff member who raised the concern or issue will be informed of the outcome of the investigations and what, if any, action has been taken if appropriate to do so.
- If the staff member is unhappy about the speed, conduct or outcome of the investigation, they should put their concerns in writing to the CEO and the HR Manager, They should write to the Chair if the CEO or the HR Manager is personally involved or to another Trustee if it is inappropriate to involve the Chair. The CEO or an appointed appropriate manager will investigate the complaint, and report back to the member of staff with their findings and what, if any, action has been or will be taken (for further details, see Complaints Policy).

Formally

- Upon reaching a decision to carry out a formal disclosure employees and associated persons should be reminded of their duty of confidentiality to both Remarkable and its stakeholders.
- All formal concerns **MUST** be raised in writing (in a letter or in an email) to the CEO and the HR Manager or chair, or another Trustee if it is inappropriate to involve the CEO/HR who will handle the disclosure to the agreed procedures in place. The person receiving the disclosure (or appointed manager) is referred to throughout this policy as the Appropriate Person, and will remain consistent throughout the process.
- Importantly, and to guarantee protection under the regulations, a whistle blower must meet specified criteria so that that their disclosure

can be considered a qualifying disclosure under the PIDA Act. These are as follows:

- The disclosure must be made to an appropriate person.
- The person making the claim must have reasonable belief that wrong doing is being or is about to be committed.
- The disclosure must reasonably believe it to be substantially true and that the disclosure is in the public interest.
- The person making the claim should not collect the information to support the allegations improperly.
- The Appropriate Person along with HR will meet with the employee/worker as soon as practicable to discuss their concern. Recording sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee/worker but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern
- It may not always be possible to maintain confidentiality and Appropriate Person should explain this to the employee/worker. In such instances, the employee/worker will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.
- The employee may bring a colleague or trade union representative to any meetings under this policy. The confidentiality of the disclosure and any subsequent investigation must be respected.
- HR will take notes and the Appropriate Person will produce a written summary of the concern raised and provide the employee/worker with a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter, where possible.

Malicious Whistleblowing

- Where it is found that the whistle-blower makes an allegation maliciously, and:
 - Does not act in the public interest;
 - Makes an allegation without having reasonable grounds for believing it to be substantially true;
 - Collects the information to support the allegations improperly, or;
 - Makes an allegation for personal or 3rd party gain.
- They may be subject to formal disciplinary action, up to and including dismissal and in some cases may be subject to criminal investigation where illegality has occurred in order to achieve those aims.
- Additionally, where this standard is met or the employee engages in improper conduct in relation to whistleblowing, they are unlikely to be protected as a whistle-blower under the PIDA Act.

Reporting by non-employees

- Whilst many disclosures will be made by employees, there is scope within the legislation for non-employees and those associated with Remarkable to raise whistleblowing concerns. This may include agencies, volunteers, or other persons with an association to Remarkable. Members of the public may also feel they wish to pursue a matter they feel is in the public interest.
- The procedure will not differ from that of an employee.
- It is worthy of mention that non-employees may not follow the procedure as prescribed and may take other routes to disclosure; as such it is important to be vigilant when considering or taking into any account any complaint made by individuals who are not directly employed by or associated with Remarkable.

Handling the disclosure

- Upon receipt of the disclosure, a meeting to discuss the concerns will be offered and held within a reasonable period. The meeting will be held in a confidential and private location and the following persons will be present, the employee raising the concern and the Appropriate Person to whom the concern has been raised with or been appointed to by the CEO, Chair, or other Trustee – as set out in 8.7, above).
- This meeting will be of an exploratory nature depending on the nature of the concern and the employee can bring along someone to accompany them should they wish to. The individual will have the opportunity to detail the reasons for their disclosure and will use the meeting to share concerns; and share any supporting facts with the appropriate person chairing the meeting.
- The Appropriate Person will make a formal note of the meeting, which is shared with the whistle-blower within an agreed timeframe. The Appropriate Person will then notify the Chair and CEO (unless one or both is implicated) that a whistleblowing disclosure has been made, and conduct the investigation. The identity of the whistle-blower will be protected throughout this process where possible.
- The appropriate person will, having considered all the information presented, then agree with the individual about the course of action in terms of next steps or remedying the situation; and agree timescales for action. The appropriate person will ask for any supporting proof presented at the meeting to be submitted as part of the process.
- Once the meeting has taken place the appropriate person to whom the disclosure was made will consider the information and decide whether there is a case to answer or whether an investigation should be conducted to establish the facts, who will undertake the investigation and what form it should take.

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- Employees should note that these procedures do not replace or supersede the Grievance Procedure, the Complaints Procedure or the reporting arrangements set out in Safeguarding Policy.
 - The appropriate person to whom the employee initially makes the disclosure will, unless the employee is advised otherwise, act as the main point of contact in the matter and will be responsible for keeping the employee up-to date on the outcome of investigations carried out and any actions taken as a result of the investigation.
 - However where this impacts on the duty the organisation has to the confidentiality and safety of others, they may confirm the limits to the information that can be provided.
 - If, following the meeting, the appropriate person to whom the disclosure is made decides not to proceed with an investigation, this decision will be explained as fully as possible to the complainant. It is then open to the complainant to appeal against the outcome to the Board of Trustees. The details of which will be provided to the employee making the disclosure by return.
 - Whistleblowing incidents will be recorded with HR by the appropriate Person which outlines the date of the incident and who the Appropriate Person is.
 - Where there is evidence of any criminal activity or child protection issues, the Police and/or the Local Safeguarding Children Board (LSCB) /St Helens Safeguarding Adults Team will be informed immediately (in the case of Child and Vulnerable Adult Protection issues, in accordance with Remarkable Safeguarding Policies).
 - Employees are encouraged to use these procedures and to first raise concerns internally, except:
 - Where Remarkable authorises disclosures to an external agency; or
 - Where the employee believes that the evidence would be destroyed, concealed, or inadequately dealt with by a person within Remarkable.
 - Anyone can call the NSPCC whistleblowing advice line if they have a concern about a child and how that concern is being handled. Employees can contact the NSPCC if they believe:
 - Their own or another employer will cover it up
 - Their employer will treat them unfairly for complaining
 - The concern has not been sorted out and they have already told them about it.
 - The advice line provides free help and advice to people who suspect their organisation might be putting children at risk, even if they are not certain that this is the case.
 - The outcome of any Whistleblowing case will be reported to the Board of Trustees from the HR Manager in an appropriate forum e.g. Personnel Committee.

External Disclosure

- It is hoped that this procedure will provide employees with the assurance they need to raise whistleblowing issues with Remarkable internally. However, we accept that there may be circumstances where employees feel it is more appropriate to make the disclosure to an external body. This is known as a 'Public Disclosure.'
- An external body may be non-regulatory; such as an MP or the police. or, alternatively may be regulated, in which case, the disclosure can be made to 'prescribed' persons should the malpractice fall within that body's regulatory remit. These can include (but are not limited to):
 - HM Revenue and Customers
 - The Health and Safety Executive
 - The Environment Agency
 - The Charity Commission.
 - The Financial Conduct Authority, or
 - The Serious Fraud Office.
 - A Prescribed Person or Body (eg. Ofsted, Education Funding Agency, Children Commissioner or NSPCC -
 - <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>
- The disclosure will be protected under the legislation in the same way as a disclosure made internally if it meets the same satisfying conditions.
- In this instance it is pragmatic to seek independent advice on this course of action prior to making this move, which can be found by contacting the charity Public Concern at Work on 0207 404 6609. Public Concern at Work will be able to advise individuals whether the disclosure to an outside body is advisable, would be appropriate, and under what circumstances they should consider contacting an outside body and how.
- A full list of prescribed persons and bodies can be found in the schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549).
- In the event of an external disclosure the relevant regulatory or non-regulatory body will carry out investigations as necessary and to the procedures and processes set out by them.

Anonymous disclosure – Hotline

- The identity of the individual raising the disclosure will be kept confidential, if so requested, for as long as possible, if this is compatible with an appropriate investigation.
- In view of the protection afforded to an individual raising a genuine concern, it is desirable that they disclose their name. However, there

may be special or unusual circumstances where an individual considers it necessary to make an anonymous disclosure.

- Where an anonymous disclosure occurs, the disclosure will be accepted and treated equally with those bearing a name. Anonymous claims can at times be more difficult to investigate, as there is not the option to seek further information during investigation, and claimants cannot be contacted to discuss the outcome, however this should not act as a barrier to making an anonymous disclosure if the individual feels that this is the best course of action for them.

Disclosure to the media

- It is advised that internal procedures surrounding whistleblowing should be followed before any disclosures to the media are made. External disclosures made that have not first followed internal procedures may be considered an unreasonable action under PIDA (see [Appendix 1](#)) and may potentially lead to disciplinary proceedings.
- If you feel that your concern is not being dealt with properly through Remarkable's internal Whistleblowing procedures, we recommend seeking legal advice before making any further disclosures as PIDA only affords protection to whistle blowers in certain circumstances.

Link to anti-bribery

- Remarkable recognises that bribery and corruption are both serious matters and may be the subject of whistleblowing activity.

Confidentiality

- The Board of Trustees view confidentiality as a two-way process and will endeavour to maintain this approach, though they recognise this cannot always be guaranteed. In return we would expect concerns the employee/worker has raised through this policy will remain equally confidential until there has been an opportunity for their assessment.
- All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee/worker raising the concern if that is their wish. If the school are not able to resolve the employee's/worker's concern without revealing their identity, it will be discussed with them beforehand.
- The Board of Trustees also wishes to state that although a concern may also be raised anonymously, it may impede the designated managers ability to undertake a thorough assessment if the employee/worker chooses to do so. The Board of Trustees would hope that the protection provided by this policy would negate the need for such actions. Concerns expressed anonymously are much less powerful but may be considered by the school considering:
 - the seriousness of the issues raised;

- the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.
- The Head Teacher or Chair of Trustees will decide in each case whether a complaint made anonymously should be investigated

Procedure

- The poster for 'Whistle Blowing' will be displayed on all staff notice boards. ([Appendix 2](#)). This will be supplemented with additional display resources from the NSPCC.
- Reference to 'Whistle Blowing' will be included in staff Induction and Training programs.

Policy Impact (same statement at the end of all policies)

- We have a rolling programme for reviewing our Company policies. We regularly review the impact of our policies on the needs, entitlements and outcomes for students, service users, staff and parents.

References and Further Resources

All references to be listed using the Harvard format in alphabetical order:

1. Referencing Books:

The elements which should be included in your bibliography/reference lists are:

- (i) author (surname, initials)
- (ii) year (in round brackets)
- (iii) title (in italics)
- (iv) place of publication: publisher

Example:

Morris, B. (2010) *Fashion Illustrator*. London: Penguin

Referencing Government Reports:

The elements which should be included in your reference list/bibliography are:

- (i) Name of government department
- (ii) Year of publication (in round brackets)
- (iii) Title (in italics)
- (iv) Place of publication: publisher.

Example:

Department of Health (2009) *NHS Inpatient and Outpatient Waiting Times*. London: The Stationery Office.

3. Referencing Acts of Parliament:

The elements which should be included in your reference list / bibliography are:

- (i) Title of Act including year and chapter number (in italics)
- (ii) Country/jurisdiction (only if referencing more than one country's legislation)
- (iii) Place of publication: publisher.

Example:

Public Interest Disclosure Act (1998) London: The Stationery Office.

Referencing Webpages:

- (i) Author(s)
- (ii) (Year of publication) - Use the date the page was updated/created/copyrighted. If no publication date is given, write (No date)
- (iii) Title of webpage (in italics, in sentence case)
- (iv) Available at: URL
- (v) (Accessed: date month year)

Example:

NSPCC (2017) Whistleblowing Advice Line. Available at:
<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line> (Accessed: 17 January 2017).

5. Referencing Journal Articles:

The elements which should be included in your bibliography/reference lists are :

- (i) Author (surname followed by initials)
- (ii) Year (in round brackets)
- (iii) Title of article (in single quotation marks)
- (iv) Title of journal (in italics)
- (v) Volume number
- (vi) Issue number (in round brackets)
- (vii) First page of the article – last page of the article

Example:

Seager, M. (2009) 'Chocolate and flowers? You must be joking! Of men and tenderness in group therapy', *Group Analysis*, 42(3), pp.250-271

Appendix 1

The Law

The Public Interest Disclosure Act 1998 (PIDA) applies to all employees and is in place to allow employees to raise legitimate concerns about matters that are of a public nature. These include situations where criminal offences, breaches of legislation and illegality occur. These are called "Qualifying Disclosures".

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be committed; a 'reasonable belief' is enough to form the basis of concerns.

Some examples of this may be:

- Criminal offences.
- Fraud, bribery, or financial mismanagement.
- Mis-selling pensions or financial products.
- Abuse of vulnerable groups of people.
- Practices that put the health and safety of employees or customers at risk.
- Failure to comply with legal obligations.
- Breaches of legislation, such as the Data Protection Act.
- Covering up medical negligence.
- Causing damage to the environment.
- Concealment of any of the above.

For a disclosure to be protected it should be made in the appropriate manner to a Wargrave manager. For example, disclosing a serious health and safety issue to a manager and / or the Health and Safety Officer is likely to be protected, but not if the concern was disclosed directly to the newspapers or media without having first attempted to make the organisation aware of the problem.

This procedure provides guidance on what falls under the scope of the whistleblowing legislation, how any such issues may be raised in confidence within Wargrave and provides assurances that its employees will be protected from suffering from any detriment (i.e. victimisation, discrimination, or dismissal) for raising any matters of public interest.

Appendix 2

Remarkable Autism Limited Whistle Blowing Policy

If you have any concern about any aspect of Remarkable Autism Limited, or your work here,

Do not keep it to yourself

The best way to deal with a concern is to follow the right procedure.

Problem	Procedure
Harm or possibility of harm to a student	Child or Vulnerable Adult Protection Policies and Procedures. Report immediately to the Designated Safeguarding Lead.
A dispute or disagreement with a colleague	Grievance Procedure – try to resolve it by direct approach, but if not possible refer it to the CEO or Head Teacher.
A dispute or disagreement about the terms and conditions of your work	Grievance Procedure – try to resolve it by discussion with your line manager and failing that by raising it as a grievance with the CEO or Head Teacher
Sexual, racial, or other harassment, or bullying by colleagues	Grievance Procedure – try to resolve it by discussion with your line manager and failing that by raising it as a grievance with the CEO or Head Teacher.
Evidence of, or a suspicion of criminal activity	Whistle Blowing Policy – report it to the HR Manager, your Line Manager, Head Teacher, Chair of Governors, Chair of the Board of Trustees or in extreme cases with a prescribed person or body as outlined in the policy.

The NSPCC Whistleblowing Advice Line
0800 028 0285
Free & Anonymous

Remarkable has a strict policy on Whistleblowing which:

- Encourages staff to raise any genuine concern about any aspect of Wargrave House Limited or their work in it.
- Supports anyone raising a genuine concern and protects them from victimisation.
- Requires proper investigation of concerns raised.

At Remarkable you have a voice, don't be afraid to use it.

Appendix 3

Guidance on Information Required when Raising A Concern under the Whistleblowing Policy and Procedure

Checklist

To assist us in assessing or investigating your concerns, it would be helpful if you could be as clear as possible with the details. As a minimum we need to understand the following:

- Date(s) of incident(s)
- Type of incident (see appendix 1 for guidance)
- Description of incident(s)/details of concerns
- Where did it happen?
- Who has been involved?
- If possible, explain how you think the matter may be best resolved or start thinking about it in preparation for any meetings you may be required to attend (if you have shared your identity)

If you feel comfortable sharing your identity then please provide us with your name, your work location and contact details.