



# London Design & Engineering UTC

## Whistleblowing Policy

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## Contents

Introduction .....	2
Aims and Scope of this Policy .....	2
Safeguards.....	3
Confidentiality.....	4
Anonymous Allegations .....	4
False and or Vexatious Allegations .....	4
How to Make a Serious Allegation.....	4
Contact Details to Make a Serious Allegation.....	5
How the LDE UTC Will Respond – The Procedure.....	6
Informing External Agencies .....	8
Confidential Employee Enquiries .....	8
Monitoring, Evaluation and Review.....	9

# Whistleblowing Policy

## Introduction

The London Design and Engineering (LDE) UTC is committed to the highest possible standards of openness, probity and accountability. It also wants to operate ethically and transparently at all times. In line with that commitment the UTC expect employees, and others that it deals with, who wish to make serious allegations about any aspect of the Trust's or UTC's work to come forward and voice those concerns. This policy recognises that employees may sometimes wish to make serious allegations about how the UTC conducts its business but feel unable to raise these in the normal way.

Therefore, this policy is intended to provide a means for employees to make allegations (i.e. 'whistleblowing') about standards, conduct, financial irregularity or possible mismanagement or unlawful action at the UTC without being seen as being disloyal to their colleagues or to the UTC. The policy also aims to provide 'whistle-blowers' with protection from being victimised, discriminated against or disadvantaged for having made an allegation in the Public interest. The procedure ensures that the LDE UTC complies with its duty under the Public Interest Disclosure Act 1998 and the Academies Financial Handbook.

The policy and procedures applies to all employees and those contractors working for the LDE UTC or on the UTC's premises, for example, supply staff, agency staff, buildings and drivers. It also covers suppliers and those providing services to the UTC under a contract with the Trust.

This policy and procedure is in addition to the UTC's complaints procedures and other specifically laid down statutory reporting procedures applying to some department's e.g. Safeguarding procedures and Teachers Standards Regulations.

Wherever possible issues should be resolved through the usual management channels by discussion and open dialogue. It is anticipated that this Policy will only be used should the process of normal management interchange break down or be inappropriate.

## Aims and Scope of this Policy

This Policy aims to:

- reinforce the UTC's commitment to operating in an ethical, transparent and open culture.
- encourage employees to feel confident in coming forward with serious allegations;
- provide a means for employees to make serious allegations and receive feedback on any action taken;
- ensure confidentiality if required;
- reassure employees that they will be protected from possible reprisals or victimisation;
- reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in the public interest, genuinely believing their allegations to be valid.

This policy does not replace the UTC's other school policies in particular, if employees have a grievance about their manager and/or their working conditions, they should use the UTC's Grievance Procedure or discuss the matter with their Trade Union representative. Similarly, if employees have concerns about the conduct of fellow employees in the working environment they should raise these with their line manager, Principal or, where the complaint is about the Principal, the Chair of the Board of Directors. This procedure is not intended to cover conduct which can be dealt with through the UTC's normal procedures; it is intended to cover serious allegations that fall outside the scope of other UTC procedures, or where employees may lack the confidence or be too fearful to use these procedures.

Whistle blowing is the disclosure of information that relates to suspected wrongdoings or dangers at work. This may include:

- conduct which is an offence or a breach of law i.e. criminal activity;
- alleged miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- the unauthorised use of public funds;
- possible fraud, bribery and corruption;
- sexual or physical or verbal abuse;
- bullying or intimidation of service users or anyone;
- other unethical conduct;
- where authority is being abused;
- conduct likely to damage reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters;

The above are just examples; the list is not exhaustive.

Thus, any serious allegation that you have about any aspect of the UTC's provision or the conduct of staff or Directors or others acting on behalf of the UTC can be reported under the Whistleblowing Procedure. This may be about something that:

- A significant and serious departure from accepted standards, or the standards the Trust or UTC subscribes to; or
- where someone appears to be vulnerable, or at risk; or
- amounts to serious improper conduct.

## Safeguards

### **Harassment, Victimisation or Bullying**

The LDE UTC is committed to good practice and high ethical standards and wants to be supportive of employees. It aims to encourage openness and will support staff that raise genuine concerns under this policy, even if they turn out to be a mistaken.

The UTC recognise that the decision to make a serious allegation can be a difficult one to make. However, employees who make serious allegations that are in the public interest will

have nothing to fear because they are doing their duty to the employer and those for whom you are providing a service.

**The UTC will not tolerate any harassment, victimisation or bullying (including informal pressure) of anyone and will take appropriate action to protect an employee who makes a serious allegation in the public interest, from any reprisals, harassment, victimisation or bullying.**

Any investigation into allegations of potential malpractice will not influence or be influenced by any employment procedures to which the employee making the allegation may be subject, or may have instigated.

## Confidentiality

All allegations will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, if the matter is subsequently dealt with through the UTC's procedures, e.g. the Disciplinary Procedure, the complainant's identity may have to be revealed in accordance with that procedure, if the matter is to be dealt with effectively.

## Anonymous Allegations

The LDE UTC, encourages employees to put their name to an allegation whenever possible as anonymous allegations may often be difficult to substantiate/prove.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Chair of the Board of Directors. In order to help you decide whether or not an issue should be raised, you may, in the first instance wish to discuss it with a trades union or professional association, or with someone who you feel that you have trust in their judgement. It may be that whomever you confide in may feel more comfortable taking the matter forward on your behalf. You may also find it easier to raise the matter if there are two (or more) of you who have had the same experience(s).

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the allegation;
- whether the allegation can realistically be investigated from facts or sources other than the complainant.

## False and or Vexatious Allegations

If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, the LDE UTC may invoke disciplinary action against them.

## How to Make a Serious Allegation

As a first step, an employee should, if possible, raise a serious allegation with their line manager, Principal or Chair of the Board of Directors. However, this may depend on the

seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved it would be inappropriate for you to raise the matter directly with the Principal. For these reasons, a range of alternative reporting methods have been put in place to enable the employee to raise the matter through the source that they feel most comfortable with. The range of alternative contacts you can make therefore embrace:

- Trades Union or Professional Association representative;
- The Vice-Chair of the Board of Directors

Serious allegations may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provide including:

- the name of the person making the allegation and a contact point. As referred to above it will be more difficult for the UTC or Trust to pursue issues if concerns have been expressed anonymously;
- the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- the particular reason for the allegation.

The earlier the allegation is made, the easier it is to take action.

Although someone making the allegation will not be expected to prove the truth of any allegations, in order to assist management in any investigation to be carried out, they will need to provide information to the person contacted that there are reasonable grounds for the allegation.

The employee may invite their trades union, professional association representative or a friend to be present during any meetings or interviews in connection with the allegation.

The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The UTC strongly recommends that advice is sought before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and if individuals are in any doubt they should contact them. Alternatively, Trade Union members may contact their Trade Union for advice.

## Contact Details to Make a Serious Allegation

### **Principal:**

Geoffrey Fowler

Email: [geoffrey.fowler@ldeutc.co.uk](mailto:geoffrey.fowler@ldeutc.co.uk)

Tel: 07710 393 690

### **Chair of the Board:**

Lord Kamlesh Patel

Email: [patelkk@parliament.uk](mailto:patelkk@parliament.uk)

Tel: 07872 421 593

### **Vice Chair of the Board**

Jeremy Galpin

Email: [jeremy.galpin@costain.com](mailto:jeremy.galpin@costain.com)

Tel: 07799 435 539

## **How the LDE UTC Will Respond – The Procedure**

Any issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should raise their concern with the relevant member of the UTC's Extend Strategic Leadership Team (ESLT). This may be done orally or in writing.

However, if the concern relates to the relevant member of ESLT or any person to whom they report into, other than the Principal, the Representor should raise the issue with the Principal.

If the concern relates to the Principal, the Representor should raise the matter with the Chair of the Board of Directors or the Vice Chair of the Board.

If the concern relates to the Chair of the Board of Directors, the Representor should raise the matter with the Vice-Chair of the Board of Directors.

The person with whom the matter is raised is referred to as the "Assessor".

The Assessor will:

- Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
- Other than in the case of the Principal, report all matters raised under this procedure to the Principal.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the UTC staff to take notes.

The Assessor may at any time disclose the matter in confidence to either an appropriate internal source of guidance (generally the Principal or Chair of the Board as applicable) and this will often be sufficient to assess the matter. However, if necessary in extreme cases, a professionally qualified lawyer may be consulted for the purpose of taking advice. The

Assessor may also discuss the issue, in confidence, with other suitable professionals, such as independent HR consultant or UTC governance providers in order to assess the nature of the case and to inform the outcome of the investigation. If external advice is thought necessary, contact can be made with a relevant body engaged by the UTC through either the Principal or the Chair of the Board as applicable.

Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:

- 1) The matter be further investigated internally by the UTC;
- 2) The matter be further investigated by external consultants appointed by the UTC;
- 3) The matter be reported to an external agency;
- 4) Disciplinary proceedings be implemented against an employee;
- 5) The route for the Representor to pursue the matter if it does not fall within this procedure; or
- 6) That no further action is taken by the UTC.

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the UTC's other procedures or policies;
- The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

The recommendation of the Assessor will be made to the Principal. However, should it be alleged that the Principal is involved in the alleged wrongdoing; the recommendation will be made to the Board of Directors (i.e. the Governing Body).

4.10 The Principal or Chair of Board of Directors, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Board of Directors.

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain; or
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.



The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limit or such reasonable extension as the UTC requires, the Representor may go to an appropriate external agency but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## Informing External Agencies

Within the LDE UTC all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the UTC fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the UTC's Code of Conduct. The external agencies which may be used if disclosure is permitted are:

- The Department for Education (DfE) or Education Funding Agency (EFA). In these circumstances, the DfE/EFA will assess whether all UTC processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/EFA will refer the matter back to the Assessor;
- A Member of Parliament;
- The National Audit Office (NAO);
- The Health and Safety Executive (HSE);
- The Police.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

## Confidential Employee Enquiries

Employees may, on a confidential basis seek prior guidance from the Principal if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Principal will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the UTC or any person under these procedures.

## Monitoring, Evaluation and Review

The LDE UTC Board of Directors will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the LDE UTC.

This Policy will be reviewed by the Board of Directors annually and must be signed by the Chair of the Board and Principal.

Next Review:	June 2018
Signature of Chair of the Board of Directors:	Signature of Principal: