



WHISTLEBLOWING POLICY

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1. Introduction

The Policy is intended to provide a framework for staff to act where they believe a serious issue has arisen. Specific examples could include:

- a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
- the health or safety of any individual has been/is likely to be endangered.
- Damar's funds are being used in an unauthorised manner.
- Serious breaches of Damar's contract with the Education and Skills Funding Agency or another funder.
- sexual or physical abuse of any member of staff, student or other service recipient is taking place.
- discrimination is occurring to any member of staff, student or other service recipient on grounds of sex, race or disability.
- any other form of improper action or conduct.
- information relating to any of the above being deliberately concealed or attempts are being made to conceal the same.
- breaches of confidentiality
- reputational damage

The Directors want you to be enabled to raise your concerns about such malpractice(s) at an early stage and in the right way. The Directors would always rather that you raised the matter when it is just a concern rather than wait for concrete proof.

For clarity, a "whistleblower" is a colleague who makes a report regarding any of the concerns listed above, or any additional concern(s) regarding wrongdoing which may affect others. If something is troubling you, which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use the Grievance Policy which forms part of the Employee Handbook.

If the concern(s) raised is/are in relation to Safeguarding, colleagues must refer to our Safeguarding Policy for guidance regarding allegations management. With specific reference to child protection, if you feel unable to raise a concern(s), or have reported a concern and feel that it is not being handled appropriately, colleagues can call the NSPCC Whistleblowing Advice Line on 0808 028 0285, or email help@nspcc.org.uk

In summary, this Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. If in doubt - raise it!

2. Aims of the Whistleblowing Policy

The Policy aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon their concerns.
- provide ways for employees to raise those concerns and get feedback on any action taken as a result.
- ensure that employees get a response to their concerns and that they are aware of how to pursue them if they are not satisfied with any actions.
- reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate procedures are available, such as grievances (see Employee Handbook) and Safeguarding concerns (see Safeguarding Policy).

3. Who is covered by the Policy?

All employees and subcontractors of Damar may use this Policy. This includes permanent and temporary staff. It also covers agency staff and staff seconded to a third party. Any concerns relating to the third party, if relevant to the staff's secondment, can also be raised under this Policy.

4. What assurance do you get?

If you do raise a concern under this Policy, you will not be at risk of losing your job or suffering any form of retribution as a result, provided that:

- the disclosure is made in good faith;
- you reasonably believe that information, and any allegations contained in it, are substantially true; and
- you are not acting for personal gain.

Damar will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this Policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

5. What is the legal background?

The Public Interest Disclosure Act 1998 (the “**Whistleblowers Act**”) protects employees against detrimental treatment or dismissal because of any disclosure of normally confidential information in the interests of the public. The Whistleblowers Act only covers protected disclosures under six categories, namely: crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues.

To obtain protection, employees must first disclose the information to the employer or to a body prescribed by the Secretary of State for the purposes of receiving such information. A list of the prescribed bodies is available on the government's website, along with a useful Guide on the Whistleblowers Act.

Damar has introduced this Whistleblowing Policy and procedure in line with the Whistleblowers Act.

6. How should an employee raise a concern?

As soon as you become reasonably concerned you should firstly raise the issue with the Managing Director, unless s/he is the potential transgressor, in which case write to any of the other Directors.

Concerns may be raised verbally or in writing. Employees who wish to make a written report should use the following format:

- the background and history of the concern (giving relevant dates).
- the reason why they are particularly concerned about the situation.

7. How will Damar respond?

If the concern is raised verbally, the person receiving the information should put it in writing as soon as practicable to ensure that it properly reflects the concerns that have been raised. The employee must also indicate if the concern is to be treated in confidence. The limit of that confidence will be checked out by the person receiving the information.

Once you have told us of your concern, we will investigate it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who may be handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request it, we will write to you summarising your concern(s) and setting out how we propose to handle it.

When you raise the concern you may be asked how you think the concern(s) might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset.

While the purpose of this Policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- be investigated by management, through the disciplinary process
- be referred to the police
- be referred to the Disclosure and Barring Service
- be referred to Adult/Childrens' Services

- be referred to the Education and Skills Funding Agency or any other appropriate funding body and form the subject of an independent inquiry

We will acknowledge receipt of a concern(s) within 48 hours and, usually, within four weeks of a concern(s) being raised, the person looking into the concern will write to you:

- indicating how Damar propose to deal with the matter
- giving an estimate of how long it will take to provide a full response
- saying whether any initial enquiries have been made
- supplying information on support available to you; and
- saying whether further investigations will take place and if not, why not

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

8. What safeguards are there for the employee?

Damar will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect those who raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.

No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the obligation is not subsequently confirmed by the investigation.

Records will be held securely and every effort will be made to ensure confidentiality in line with the Data Protection Act 2018 and UK GDPR. However, we recognise that this legislation does not prevent the sharing of information, as necessary and appropriate, in relation to safeguarding concerns.

Where a concern(s) meets the harms threshold, details of concerns/allegations may be retained until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

In the case of low level safeguarding concerns, Damar will retain records at least until the individual to whom they relate leaves their employment.

Help will be provided to you in order to minimise any difficulties which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and with you being represented, if you so wish.

9. How can a concern be taken further

If you are unsure whether to use this Policy or you want independent advice at any stage, you may contact:

- if applicable, your relevant trade union lawyer;
- other bodies prescribed by the Secretary of State;

- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work, <https://protect-advice.org.uk/>.
- Refer to the guidance “Whistleblowing: list of prescribed people and bodies” <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>.

This Policy is intended to provide an avenue within Damar to raise concerns. If an employee takes the matter outside Damar, s/he should ensure that no disclosure of confidential information takes place and should seek competent advice (please refer to above), if unsure, as the Whistleblowers Act does not provide blanket protection and could leave employees vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

Damar will make every effort to guard against unwanted publicity during an investigation and employees are also discouraged from engaging with media.

An employee who is not satisfied with the action taken by Damar and feels it right to question the matter further, s/he may consider the following possible contact points:

- the Citizens Advice Bureau and/or law centre/firm
- relevant professional bodies or regulatory organisations
- the Information Commissioner
- a relevant voluntary organisation
- the Police and/or Health and Safety Executive

10. Documents Supporting the Policy

Damar has several policies and documents which support this policy. These are on the Hub but you can also request a copy and include, but are not limited to our:

- Self-assessment report
- Damar Employee Handbook
- Professional Standards Policy
- Prevent Policy
- Equality and Diversity Policy
- Safeguarding and Promoting Student Welfare Policy
- Recruitment of Ex-Offenders Policy
- Safer Recruitment Policy