



Whistleblowing Policy

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1. Policy Statement

This policy aims to provide employees with a route to raise concerns internally and receive feedback on any action taken. It demonstrates how employees can take the matter further if they are dissatisfied with the management response and reassures employees that they will be protected from harassment or victimisation from co-workers for raising concerns

“Whistleblowing” is a term used to refer to the disclosure by employees of malpractice – internally or externally – as well as illegal acts, or omissions at work. The policy is intended to cover concerns which fall outside of the scope of policies that deal with standards of behaviour at work including disciplinary, grievance, bullying and harassment policies. Employees are encouraged to consider the provisions in these policies as appropriate

- 1.1 ATL is committed to the highest standards of openness, probity and accountability. In line with this commitment ATL encourages employees:
 - a) To be vigilant
 - b) To inform ATL of any legitimate concerns about any aspect of work of ATL
- 1.2 This will enable ATL to achieve the high standards to which it is committed, ensure management accountability and the commitment of staff to good practice across the organisation
- 1.3 The Whistleblowing (Raising concerns at work) policy and procedure aims to:
 - Encourage employees to feel confident in raising serious concerns and to question and act upon concerns
 - Provide avenues for employees to raise concerns and receive feedback on any action taken
 - Allow employees to take the matter further if they are dissatisfied with ATL’s response; and
 - Reassure employees that they will be protected from reprisals or victimisation for disclosing information in good faith

2. Principles

- 2.1 Whistleblowing at ATL describes when an employee (or a group of employees) raises a concern about malpractice or wrong-doing or provide information usually about illegal or dishonest practices within our work. The information, which should have come to the individual’s attention through their work, is provided to ATL or a regulator
- 2.2 Employees who ordinarily work in Great Britain are protected by the Public Interest Disclosure Act 1998 (PIDA). The legislation only protects employees who follow the procedures laid down in the legislation and who make a disclosure in good faith
- 2.3 The Public Interest Disclosure Act 1998 (PIDA) protects a “Whistleblower” if they raise a concern about wrongdoing internally and in most cases, with an external regulator
 - a) External disclosure
 - The concern must first be raised with ATL or a prescribed person by the ‘whistleblower’
 - The only exception is when the employee believes evidence would be destroyed or they would be penalised
 - b) The Whistleblower must:
 - Have a genuine belief in the information being disclosed
 - Not make the disclosure for personal gain, and
 - Show it is reasonable to make the disclosure

2.4 Whistleblowers do not lose statutory protection because they are mistaken. The Whistleblower will have protection as long as they have a reasonable belief that malpractice has taken place, is taking place or is likely to take place. It does not matter if the belief actually turns out to be inaccurate or that the conduct would not constitute malpractice, as long as the whistleblower's belief is objectively reasonable

2.5 What is covered by our Whistleblowing Policy?

A disclosure of information where the person reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to take place in the future is called a Qualifying Disclosure

This includes:

- A criminal offence
- Failure to comply with any legal duty
- A miscarriage of justice (or deliberate and serious misrepresentation of information that would lead to a miscarriage of justice)
- A danger to the health and safety of any individual or groups of individuals including risks to the public
- Damage to the environment
- Instances of slavery, servitude, forced and compulsory labour and human trafficking in ATL or anywhere within its supply chain
- Any deliberate attempt to conceal any of the above

In addition, ATL 's policy specifically covers any conduct which appears likely to harm the welfare and/or protection of children and young people. It also covers any conduct likely to harm the reputation of ATL . In these circumstances, we undertake to provide the same protection as provided by PIDA

2.6 The whistleblower is usually not directly, personally affected by the danger or illegality. The danger or illegality normally affects others, for example, members of the public

2.7 Whistleblowing rules provide protection to the whistleblower, even if the wrongdoing which is being exposed, was by a third party and not the employer

2.8 Every reasonable effort will be taken to ensure that employees who express their legitimate views/concerns in good faith about issues to do with ATL in accordance with this policy are not penalised in any way or suffer any adverse consequences, including informal pressures for doing so. Malicious use of the whistleblowing policy may lead to disciplinary action

2.9 ATL has a range of policies and procedures in place, which deal with potential areas of concern. These should be used when appropriate. They include:

- a) The Disciplinary, Performance Management and Grievance policies and procedures. Dignity at work policy (covering diversity, disability, bullying and harassment)
- b) Safer Recruitment Policy
- c) GDPR and data security policy

2.10 If the concern relates to the employee's own employment, the Grievance Policy and procedure should be used instead

2.11 In raising concerns at work within ATL , employees have the right to consult/seek external guidance from:

- Their professional association
- Trade union
- Solicitor or independent organisations such as "Public concern at work"

- Statutory bodies such as the Social Services Inspectorate, or the Central Council for Education and Training. Representative bodies may take issues up directly with the employing organisation on their members behalf

3. How to raise a concern at work

- 3.1 Concerns can be raised orally or, preferably in writing. They should include the background and history of the concern, including relevant dates, and the reason why the situation gives particular cause for concern. Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern
- 3.2 Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can viably be dealt with after a long period of time will depend on the circumstances.
- 3.3 Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee, or giving feedback on the action being taken

4. Stage 1: Employees – What to do

- 4.1 Wherever possible, an employee should raise their concern in the first instance with their line manager within 24 hours
- 4.2 If an employee consider it not to be appropriate to raise their concerns directly with their line manager, because they consider the matter to be sensitive and serious or the employee believes the manager is involved, they should raise the concern with their SMT member
- 4.3 If the SMT member is implicated in the concern, the employee should raise the concern with one or more of the Directors of the business

Note: any employee raising concerns covered by this policy has the right to be accompanied by an accredited trade union representative or colleague employed by ATL . An employee may also look for advice about the policy from a HR consultant

5. Stage 1: Manager's responsibility

- 5.1 Any manager who is approached by an employee with a concern must always:
 - Take concerns seriously, without judgement, apology or condemnation
 - Consider them fully and sympathetically
 - Recognise that raising a concern can be a difficult experience for some people
 - Seek advice from their own manager and/or support specialists where appropriate
- 5.2 Concerns raised by those who are not employees of ATL are not covered by this policy but must be investigated by the manager with whom the concern is raised. On receipt of a concern at work raised by an employee, the manager is required to acknowledge receipt and:
 - a) To complete a Staff Concerns Monitoring Form and send it to one of the Directors'/SMT
 - b) In each case the manager receiving the concern will arrange an initial interview, which will, if requested, be confidential. The line manager/Director/SMT member will write a brief summary of the interview, which will be agreed, signed and dated by both parties. This summary will be produced as quickly as practicable
 - c) To investigate the concern/decide how the concern should be investigated
- 5.3 The manager receiving the concern must consider whether the concerns raise fraud, corruption or child protection issues – in which case they should seek guidance from the

DSL/Head of Safeguarding about how the concern should be investigated (e.g. a disciplinary investigation, investigation by internal audit, referral to Police)

5.4 The manager otherwise will investigate the concern:

- Respecting confidentiality
- Where necessary interviewing other staff
- Keeping the employee informed within reason about the investigation, at least fortnightly
- Giving both the employee who raised the concern and staff who are the subject of the concern/investigation the name of a trained member of staff as a contact point for support
- Notifying staff who are the subject of the complaint about the nature and potential outcomes of the investigation and the type of support available to them from a trained member of staff, The Trade Union, a HR consultant and an external counselling service
- Considering whether staff who are the subject of the complaint should on request be granted special leave or if more appropriate, suspended for the duration of the investigation. Please refer to the Disciplinary policy for further information on suspension

5.5 To notify the employee in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law

- Any reference to disciplinary action in this feedback will only be made subsequent to the member of staff subject to the disciplinary procedure, being fully informed of their position and will take into account respecting confidentiality and data protection
- Where the manager concludes that the concern raised by the employee requires no action, the manager will reiterate to the employee that raising concerns in good faith is encouraged by ATL, thank the person for raising the issue, point to further support available to them and highlight the options available if the employee is not satisfied with the outcome
- To notify staff who were the subject of the complaint or concern of the outcome of the investigation. Where the investigation has not resulted in disciplinary action the employee may nonetheless need support and so should be offered support from a trained member of staff

6. Stage 2

6.1 If the employee is unhappy/not satisfied by the outcome of Stage 1 s/he has the right to raise the concern orally but preferably in writing, within 48 hours from receiving the report to one of the Directors/members of SMT

6.2 The Responsible Director will no later than 1 month after being notified of the issue by the employee:

- Review the evidence and other materials gathered during Stage 1
- Where the concern can be acted upon, take action promptly and notify the employee quickly of the action taken or
- Where action is not considered practicable or appropriate, give the individual employee a prompt and thorough explanation of the reasons for this and, in the event of a disagreement, what further action is available or
- If necessary, agree with the individual employee to vary the time specified for a decision to reflect the enquiries or investigations deemed necessary
- If necessary, explain why no decision can be given within the time specified, when a decision will be made, and how the employee can make representations about the delay

6.3 If the issue is being raised for the first time with the Responsible Director, no later than 3 months after being notified of the issue by the employee, the Director will proceed with the above

7. Stage 3

7.1 If the individual who raised the concern is not satisfied with the outcome of the investigation and/or inquiry, ATL recognises the lawful rights of employees and ex-employees to make a protected disclosure under the Act.

7.2 Anyone seeking advice can contact:

The Independent Charity: **Protect, Speak up, Stop Harm;** is a Free, Confidential Whistleblowing Advice Line, who gives free confidential advice

Their contact details are:

Protect, Speak Up, Stop Harm

The Green House

244-254 Cambridge Heath Road

London, EC2 9DA

<https://www.pcaw.org.uk/>

Protect Advice Line: 020 3117 2520 (*option 1)

Business Support Line: 020 3117 2520 (*option 2)

Protect Advice Line: whistle@protect-advice.org.uk

Media Enquiries: press@protect-advice.org.uk

Business Support Services: business@protect-advice.org.uk

The office is open, and the helpline is staffed from 9am to 6pm, Monday to Friday. There is an answering machine out of hours. If you need to speak to them outside office hours, leave your contact details and they will arrange a convenient time to contact you

8. What an employee who raises a concern can expect

8.1 Any employee raising concerns covered by this policy has the right to be accompanied to any meetings by an accredited trade union representative or colleague employed by ATL . An employee may also look for advice about the policy from an HR Consultant

8.2 Where a concern is raised in confidence, ATL will protect the identity of the whistleblower wherever possible. However, there will be circumstances where this is not possible, as for example, where a whistleblower is an essential witness, and the situation could not be investigated further without revealing the whistleblower's identity. Should such a situation arise, we will discuss this directly with the whistleblower

8.3 If an employee makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that employee. If, however, any subsequent investigation concludes that an employee has made malicious allegations or raised concerns with a view to personal gain, disciplinary action may be taken against that employee

9. Reference to the Media

9.1 Employees have a duty to ATL not to disclose confidential information to the Media. Any employee approaching the media without first approaching an appropriate manager and/or one of the Directors would need to be able to show that:

a) They had good reason to conclude that such action was necessary and appropriate and

b) The organisation had failed to make adequate provision to address the concerns which led them to feel that such a course of action was necessary

9.2 Therefore, any employee contemplating making a disclosure to the Media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with his or her colleagues and, where appropriate, line and professional managers

10. Records

A record should be kept by the manager dealing with the concern. Meetings should be minuted and the minutes agreed with those attending the meeting. At the conclusion of the process the record should be kept on the personal file of the staff member raising the concern

11. Monitoring and Review

11.1 The Responsible Director will ensure that all other members of the SMT are sighted on all safeguarding concerns through the formal whistleblowing process

11.2 The Responsible Director will report annually to all other members of the SMT on the number, nature and outcomes of any concerns raised

11.3 This procedure is for guidance only and does not form part of an employees' contractual rights. The contents may be subject to revision from time to time

Process for whistle blowing

Stage 1 – report to manager and complete a staff concerns form – response within 1 week of receiving concerns form

Stage 2 – Apply in writing if you disagree with the decision within 48 hours of receiving the report

Stage 3- Refer to independent hotline