



Whistleblowing and Management of Serious Allegations Policy



Background

APPLA tuition is a non-statutory organisation that became a limited company in 2017. Safeguarding and promoting the welfare of children and young people who access our tutoring services is paramount in all the work we do and in all the decisions we take. All APPLA policies and procedures should be understood in this context. We recognise the right of all children and young people, regardless of any 'protected characteristics', to grow and develop in circumstances where they feel safe and supported, so that they can achieve optimal outcomes throughout their childhood, their teenage years and into adulthood.

Our team of carefully selected tutors provide friendly, quality tuition that is tailored to each individual student. We know that a small amount of support can make a huge difference to the lives of our students - now and in the future - and we work hard to deliver a service which is geared towards boosting confidence and boosting grades. APPLA tuition tutors work with individuals on a one-to-one basis as well as in small groups. We have supported students in home and school environments since 2017. We became an accredited and approved Tuition Partner for the Department for Education's National Tutoring Programme in 2021. In the same year we delivered in excess of 5000 hours of tuition and reached more than 700 students.

We are committed to maintaining a culture of openness, accountability, and integrity. We seek to ensure that employees and representatives of our organisation feel secure in raising concerns about any activity which may harm individuals or undermine our reputation.

The purpose and scope of this policy

- To provide clear guidance to those who may need to raise concerns about colleagues they believe are doing something wrong or illegal, or who are neglecting their duties.
- To explain the process for management of serious allegations.

Roles and Responsibility

This policy applies to anyone working on behalf of APPLA tuition, including senior managers, paid staff, volunteers, sessional workers, agency staff and students. The managing director has overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

References

This policy is based on legislation, policy and guidance that seeks to protect whistle-blowers, including:

- What to do if you're worried a child is being abused: guidance from Department for Education (2015)
- Public Interest Disclosure Act 1998
- www.gov.uk/whistleblowing
- NSPCC website

This policy statement should be read alongside other related documents, including:

- Safeguarding policy document
- Code of Conduct poster
- Complaints Policy poster
- Information policy document

To report an urgent concern

If you think someone is at immediate risk of abuse or harm:

- contact either the police on 999 or call the children's social care team at the council in Warrington 01925 443322 or 019 2544 4400 (out of hours)
- Alternatively, call the NSPCC 24-hour safeguarding line on 0808 800 5000

To report a general concern

It is hoped that in most cases an employee/worker will feel able to raise any concerns internally with their line manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

Whistle blowing Advice and Support

Training on what constitutes a whistleblowing concern and when and how to report a concern, is provided to everyone. APPLA tuition will take steps to minimise any difficulties which may be experienced because of making an allegation. Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation.

However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

If a whistle-blower is required to give evidence in criminal or disciplinary proceedings the managing director will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available. External advice can be found at:

- NSPCC Whistleblowing Helpline for concerns regarding children and young people: <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>
- Government advice on whistleblowing <https://www.gov.uk/whistleblowing>
- 'Protect' via website: protect-advice.org.uk or by telephone on 02031172520

To make an allegation (Whistle-blow)

Whistleblowing is when someone raises a concern about a dangerous or illegal activity or any wrongdoing within their organisation. The wrongdoing you disclose must affect others and be in the public interest. You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

To make an allegation, you should contact the managing director, Anthony Lloyd, in writing at Anthony@appla.co.uk. It is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may have contributed to the allegation)
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

If the allegation is regarding the managing director, or you do not believe that the matter has been taken seriously or is being covered up, you should report your concern externally to an appropriate body, e.g.

- Head of Education at Warrington Borough Council
- NSPCC

Anonymous Allegations

This procedure encourages whistle-blowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the managing director.

In exercising discretion to accept an anonymous allegation the factors to be considered:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

In the event of an anonymous allegation the ability of APPLA tuition to ask to follow up questions or provide feedback will be limited if the whistle-blower cannot be contacted. It may be possible to overcome these challenges by using telephone appointments or through an anonymised email address. You should be aware that making a disclosure anonymously means it can be more difficult for you to qualify for protections as a whistle-blower. This is because there would be no documentary evidence linking you to the disclosure for the employment tribunal to consider.

Protection for whistle-blowers

A disclosure qualifies for protection if you're a worker and you disclose something about a dangerous or illegal activity or any wrongdoing within your organisation that is in the public interest. The Public Disclosure Act 1998 that applies to England, Scotland and Wales states that a disclosure must be about something that affects the public, like:

- a criminal offence has been committed, is being committed or is likely to be committed
- a legal obligation has been breached
- there has been a miscarriage of justice
- the health or safety of any individual has been endangered
- the environment has been damaged
- information about any of the above has been concealed

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. The managing director will take appropriate action to protect the whistle blower who makes a serious allegation in the reasonable belief that it is in the public interest to do so, from any reprisals, harassment or victimisation. Nor will they tolerate any attempt to bully you into not raising any such concern.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. However, in the unlikely event that a claim is raised maliciously, this could result in disciplinary action, following an appropriate investigation.

Confidentiality clauses

All allegations will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise requests. If the allegation results in court proceedings, then the whistle-blower may have to give evidence in open court if the case is to be successful. The managing director will not, without the whistle-blower's consent, disclose the identity of a whistle-blower to anyone other than a person involved in the investigation/allegation.

Allegations management

The managing director will record details of the allegation, gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation
- The acknowledgement of the allegation.
- Any documents supplied by the whistle-blower

The managing director will ask the whistle-blower for their preferred means of communication and contact details and use these for all communications with the whistle-blower to preserve confidentiality. All disclosures will be treated seriously and consistently. The managing director will carry out an initial assessment (within 10 working days of receipt of the allegation) to determine the scope of any investigation. In some cases a suitable conclusion may be reached through an initial conversation with the managing director and the whistle-blower. In more serious cases there may be a need for a formal investigation. The employee/worker raising the concern may be required to attend additional meetings to provide further information. The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring. The managing director may refer the concern to an external agency where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised.

The managing director will aim to keep the employee/worker informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee/worker cannot be given specific details of the investigation, or any disciplinary action taken as a result. The employee/worker is required to treat any information about the investigation as strictly confidential.

The focus of any investigation will be on improving the service we provide and ensuring APPLA tuition has an inclusive culture where everyone matters. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. Lessons will be shared with team.

Record keeping

All allegation/investigation records are stored securely according to General Data Protection regulations as per the Information policy document. Records include but not limited to:

- The allegation
- Acknowledgement of the allegation
- Any documents supplied by the whistle-blower
- Summary of initial meeting between managing director and whistle blower
- Record of date summary was provided to whistle-blower
- Initial assessment by the managing director
- Details/dates of information shared with external organisations
- Records of any further meetings
- Investigation findings/actions taken
- Feedback provided to whistle-blower



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