

38. Whistleblowing Policy (Making a Disclosure in the Public Interest)

38.1 Introduction

Instill Education is committed to the highest standards of transparency, probity, integrity and accountability.

This Whistleblowing Policy sets out the framework for dealing with allegations of illegal and improper conduct. This policy is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This Whistleblowing Policy is intended to ensure that the Instill Education complies with its duty under the Public Interest Disclosure Act 1998.

38.2 Scope

This policy applies to all Instill Education staff, interns, contractors and homestay providers.

This policy does not replace other Instill Education policies or procedures. For example, if a member of staff has a grievance about their working conditions they should use the Grievance Procedure and if they feel that their manager or a colleague has treated them unfavourably, they should use the Anti-Bullying and Harassment Procedure. Similarly if an employee has a concern about the conduct of a fellow employee in the working environment they should raise these with their line manager, or if that is not possible, with their line manager's manager.

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 or dangers to the environment
- Financial malpractice, fraud or corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, students or third parties
- Abuse of authority
- Other improper or unethical conduct, including attempts to conceal any of these

38.3 Reporting

Instill Education recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty to the Company and to its staff and students.

Instill Education will take appropriate action to protect a whistleblower 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.

38.4 Confidentiality

Instill Education will treat all such disclosures in a confidential and sensitive manner. All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests.

However, the investigation may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of their evidence. If the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

38.5 Anonymous Allegations

This procedure encourages whistleblowers 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 Board of Directors.

In exercising discretion as to whether to accept an anonymous allegation, the factors to be taken into account are:

- 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

38.6 Untrue Allegations

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

38.7 Information needed to make an Allegation

Whether a written or oral report is made 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 be in a position to 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.

38.8 Procedure for Making and Dealing with an Allegation

It is preferable for allegations to be made to an employee's immediate manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that their immediate manager is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to their line manager's manager, or another senior manager.

On receipt of a complaint of malpractice, the member of staff who receives it and takes note of the complaint must pass this information as soon as is reasonably practical, to a **Company Director (Ward Lincoln, Bonnie Dean or Till Gins)**, who will take it to the **Board of Directors** for discussion. The Company Director will, after consideration, discuss the complaint with the whistleblower and if they wish to proceed, the allegation will be investigated.

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.

Any complaints about a Company Director should be referred to one of the following relevant external independent bodies: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

38.9 Action on receipt of an Allegation

The line manager or other recipient of the complaint should record details of the allegation gathering as much information as possible including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower
- The whistleblower's preferred means of communication and contact details to be used for all communications with the whistleblower in order to preserve confidentiality.

The line manager will pass this information to the necessary investigator (as above).

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

The investigator will investigate the allegations fully with the assistance, where appropriate, of other individuals/bodies.

If the allegation relates to a member of staff the investigator should inform the member of staff that a complaint has been made with an outline of the details as soon as possible.

If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Directors and a decision will be made as to whether to inform the Police and auditing bodies.

If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

38.10 Timetable

The investigator will acknowledge the allegation in writing as soon as possible, with:

- An indication of how the Board of Directors propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms
- Indication whether further investigations will take place and if not, why not
- Where the allegation has been made internally and anonymously, obviously the Board of Directors will be unable to communicate what action has been taken.

38.11 Support

The Board of Directors or external contact will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings, the HR Department will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Instill Education accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

38.12 Responsibility for the Procedure

The **Directors** have 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.

38.13 Monitoring

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received

- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board of Directors.

The Board of Directors will report annually on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers.

If the complainant is not satisfied that their concern has been properly dealt with they are invited to raise it in confidence with the HR Department and an independent investigation can be put into place. If they are still not satisfied, they should refer to one of the prescribed independent bodies at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

If the investigations find the allegations unsubstantiated and all internal procedures have been exhausted but the complainant is not satisfied, all current and previous members of staff have to right to make disclosures to prescribed persons or bodies (e.g. the Health and Safety Executive <http://www.hse.gov.uk/contact/index.htm>). A full list of the prescribed people and bodies is available on the government website at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

38.14 Further information about Whistleblowing

<https://www.gov.uk/whistleblowing>

<https://www.gov.uk/government/publications/the-public-interest-disclosure-act>

38.15 Policy review

The Instill Education Whistleblowing Policy and other specific policies in use throughout the organisation are reviewed each year and revised as and when necessary. This policy was last reviewed in January 2020.