



Whistleblowing Policy

Introduction

RDUTC is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of RDUTC to voice concerns in a responsible and effective manner. Where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management.

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. RDUTC has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by RDUTC nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside RDUTC.

Scope of Policy

This policy is designed to enable employees of RDUTC to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety.

This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or statutes
- Improper conduct or unethical behaviour, including Safeguarding issues
- Dangers to Health & Safety or the environment
- Criminal activity
- Attempts to conceal any of these

Safeguards

i. Protection

This policy is designed to offer protection to those employees of RDUTC who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

ii. Confidentiality

RDUTC will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. *However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.*

iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of RDUTC.

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

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

Unless the complaint is about the Principal, all whistleblowing complaints must be referred to the Principal, who will allocate an appropriate investigating officer to investigate the complaint.

If the complaint is about the Principal, the complaint should be referred to the Chair of Governors who will nominate a Senior Manager to act as the alternative investigating officer.

If there is evidence of criminal activity the investigating officer should inform the police. RDUTC will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and, thereafter, report back to them in writing the outcome of the investigation and on the action that is proposed.

If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- Obtain full details and clarifications of the complaint should be obtained.
- Inform the member of staff against whom the complaint is made as soon as is practically possible.
- Inform the member of staff against whom the complaint is made of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- Consult with the Principal, or the Chair of Governors if the complaint is against the Principal, to consider whether it is necessary to involve RDUTC auditors and the Police at this stage.
- Fully investigate the complaint with the assistance, where appropriate, of other individuals /bodies.
- Make a judgement concerning the validity of the complaint following the investigation.
- Compile a detailed in a written report containing the findings of the investigation, the judgement and reasons for it. The report will be passed to the Principal, or the Chair of Governors if the complaint is against the Principal.
- Ensure the complainant is kept informed of the progress of the investigations.

The Principal, or the Chair of Governors if the complaint is against the Principal, will follow these steps:

- Read the report of the investigation.
- Decide what action to take.
- If the complaint is shown to be justified, invoke the disciplinary or other appropriate RDUTC procedures.
- Inform the member of staff against whom the complaint is made of the outcome of the investigation and any further action as soon as is practically possible.
- If appropriate, inform the complainant of the outcome.
- If appropriate, pass a copy of the outcomes to the RDUTC Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair of Governors.