



LYDIATE
SERVICES
COMPANY

Whistleblowing Policy (LSC)



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LYDIATE
LEARNING TRUST

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BACKGROUND

The Company is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff, governors and others that we deal with, who have serious concerns about any aspect of the Company are encouraged to voice those concerns.

Staff and governors at the company are often the first to realise that there may be something seriously wrong within the company. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the company. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure Act 1998 provides employees with legal protection against dismissal or detriment for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Procedure is intended to encourage and enable staff and governors to raise serious concerns within the company rather than overlooking a problem or raising the matter externally.

The procedure applies to all staff, governors and those contractors working for the company. It also covers suppliers and those providing services to the company.

The procedure supplements the Company's Complainants Procedures, Grievance Procedure and Child Protection Policies.

AIMS AND SCOPE OF THIS PROCEDURE

Whistleblowing may be defined as the disclosure, by staff and governors (former or current) and other individuals, of illegal or illegitimate practices.

This procedure aims to:

- Encourage staff and governors to feel confident in raising serious concerns and to question and act upon concerns about practices within the company.
- Provide avenues for staff and governors to raise concerns and receive feedback on any action taken.
- Ensure that staff and governors receive a response to their concerns.
- Reassure staff and governors that they will be protected from possible reprisals or victimisation where they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures within the company to enable individuals to lodge a grievance or a complaint. The Whistleblowing Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Possible fraud and corruption
- The unauthorised use of company funds

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- Failure to comply with Standing Orders and Financial Regulations
- Failure to comply with Codes of Practice
- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to students, the public as well as other colleagues
- Damage to the environment
- Other unethical or criminal conduct

ASSURANCES TO ALL STAFF

Disclosures made in good faith by staff and governors under this procedure will be treated confidentially, seriously and sensitively. Requests for anonymity, where made, will normally be met, but there may be circumstances such as prosecutions or disciplinary investigations where individuals may be asked to come forward as a witness.

The Company will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff and governors when they raise a concern in good faith.

Under the Public Interest Disclosure Act 1998, where an employee / governor has made a “protected disclosure” it will be unlawful to dismiss or subject the employee / governor to any other detriment as a result of this disclosure. A “protected disclosure” means any disclosure of information which, in the reasonable belief of the employee / governor making the disclosure, tends to show one or more of the following:

- A criminal offence has been committed, is being committed or is likely to be committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

UNTRUE ALLEGATIONS

If an allegation is made in good faith, but it is not substantiated, no disciplinary action will be taken against the person raising the concern. If, however, an allegation is made frivolously, maliciously or for personal gain, the company may investigate this under the company’s adopted Disciplinary Procedure.

FIRST STEP

Concerns from LSC staff should normally be raised with the Community Leisure Manager, if the concern relates to the Community Leisure Manager the matter should be raised with the Chair of LSC Governors or the CEO. Concerns may also be raised directly to the Director of HR.

Concerns may be raised verbally or in writing. The earlier a concern is expressed then the easier it is to take action. Although individuals are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

Those raising concerns may invite their trade union, professional association representative or

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colleague to be present during any meetings or interviews in connection with the concerns they raise.

HOW THE COMPANY WILL RESPOND

The person to whom the concerns are raised to will normally be the person to respond to the concerns raised, however this may be passed to a more appropriate person if needed. It should be noted that testing out concerns is not the same as either accepting or rejecting them.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. Grievance or Child Protection Issues), will normally be referred for consideration under those procedures. In addition, issues initially raised within the Whistleblowing Procedure may also be dealt with within the Disciplinary Procedure.

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.

Those raising a concern should be written to within ten working days:

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response.
- Indicating whether any initial enquiries have been made.
- Advising on staff support mechanisms
- Indicating whether further investigations will take place and, if not, why not.

Where any meeting is arranged, anyone involved with the concern may be accompanied by a trade union / professional association representative or a colleague.

APPEAL PROCESS

If you disagree with the decision, you may, within two weeks of receiving that notification, request in writing to the Chief Executive of the Trust or, if the matter involves the Chief Executive, to the Chair of the Trust Board, a review of the decision stating your grounds for requesting the review.

HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide an avenue within the company to raise concerns. If the person raising the concern is dissatisfied and feel it is appropriate to take the matter outside the company, the following are possible contact points:

- Trade Union
- Local Citizens Advice Bureau
- Relevant professional body or regulatory organisation
- The Police
- Charity Protect can also be contacted as below:
Helpline: 0203 117 2520
E-mail: info@protect-advice.org.uk
Website: <https://protect-advice.org.uk/contact-protect-advice-line/>

If the matter is taken outside the company, individuals should ensure that they do not disclose confidential information.

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