

Whistleblowing Policy

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Policy Summary and Guiding Principles

Introduction

1.1 As an employee of a guardian company (Amber Education), you may be the first to realise that there may be something wrong within the organisation. However, you may not express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation and think it may be easier to ignore the concern rather than report it.

1.2 The CEO (Harry Lee) and Project manager (Alex Leung) of Amber Education are committed to the highest standards of openness, probity, and accountability. In line with that commitment, we encourage employees, who have serious concerns about any aspect of the guardianship organisation work, to come forward and voice those concerns.

1.3 It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistle-blowing Policy is intended to encourage and enable employees of Amber Education, to raise serious concerns within the company rather than overlooking a problem or discussing it externally.

1.4 In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.

Aims and Scope of the Policy

1.5.1 • provides avenues for you to raise concerns and receive feedback on any action taken

1.5.2 • To allow you to take the matter further if you are dissatisfied with the guardianship response

1.5.3 • reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

1.6 There are existing procedures in place to enable you to lodge a grievance relating to your own employment with Amber Education. This whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures, although Amber Education reserves the right to determine which procedure is appropriate.

1.7 Concerns to be reported under this policy may relate to something that:

1.7.1 • is unlawful;

1.7.2 • is against the Amber Education's Contract Procedure Rules, Financial Procedure Rules or other policies;

1.7.3 • falls below established standards or practice; or

1.7.4 • amounts to improper conduct

Safeguards

Harassment or Victimisation

1.8 The Guardianship organisation (Amber Education) recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Amber Education will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.

1.9 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact the CEO (Harry Lee, harrylee@amberedu.com) and Project Manager (Alex Leung, alex.leung@amberedu.com.hk).

Confidentiality

1.10 Amber Education treats the details of all whistle-blowers in confidence and will do its best not divulge your identity. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and a statement by you may be required as part of the evidence.

Anonymous Allegations

1.11 Allegations can be made anonymously. However, this policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.

1.12 Anonymous allegations will be considered wherever possible at the discretion of the Amber Education. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- 1.12.1 • the seriousness of the issues raised
- 1.12.2 • the credibility of the concern; and
- 1.12.3 • the likelihood of confirming the allegation from other, attributable sources

Untrue Allegations.

1.13 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, appropriate action may be taken against you.

Main legislative and National Guidance and other relevant documents

2.1 Public Interest Disclosure Act 1998 Data Protection Act (1998) Freedom of Information Act (2000) Employment legislation Employment policies

Procedures

How to Raise a Concern

3.1 The earlier you express the concern, the easier it is to take action.

3.2 As a first step, you should normally raise concerns with your immediate manager or other appropriate managers. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should contact the Project manager (Alex Leung) or CEO (Harry Lee).

3.3 The Data protection officer (Raymond Chung, please find more information on the data protection policy) and Project manager (Alex Leung) can give advice and guidance on how matters of concern can be pursued.

3.4 Concerns can be raised by the following methods. All referrals made will be treated in the strictest of confidence.

- Your immediate manager
- Data Protection Officer (Raymond Chung)
- Project Manager (Alex Leung)
- CEO (Harry Lee)

3.5 Concerns are best raised in writing. The sort of information required to investigate an allegation is details of the background and history to the case, names, dates, places and, where possible, the reason why you are particularly concerned.

How Amber Education Will Respond

3.6 Amber Education will refer to the Local Authority Designated Officers (LADOs) who advise whether what the best course of action will be. This could include:

- be investigated internally
- be referred to the Police
- form the subject of an independent inquiry
- or any combination of the above

3.7 In order to protect individuals and the organisation, initial inquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

3.8 Some concerns may be resolved by agreed action without the need for an investigation.

3.9 Within ten working days of a concern being received, where appropriate, Amber Education project manager or CEO, will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter (including potential timescales)
- telling you whether any initial inquiries have been made; and
- telling you whether further investigations will take place and, if not, why not.

3.10 The amount of contact between the person(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you.

3.11 When any meeting is arranged, you have the right, if you wish, to be accompanied by a colleague who is not involved in the area of work to which the concern relates.

3.12 Amber Education will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the organisation will advise you about the procedure.

3.13 Amber Education acknowledges the need to provide you with the assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

How the Matter can be Taken Further

3.14 This whistle-blowing policy is intended to provide an internal procedure through which concerns can be raised, and Amber Education hopes that anyone raising a concern will be satisfied with the action taken. Should you feel unable to raise a concern with your immediate manager, the project manager or the CEO, because the allegations relate to them, you should seek independent advice from the Local Authority Designated Officers (LADOs). An employee should not take concerns directly to the media without first complying with this policy.

Support for Whistleblowers

3.15 All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the project manager or CEO, the LADOs and/or the police. You will be kept informed about the progress of the investigation and the action which has been taken although you may not be told the outcome. In some cases, the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. Amber Education will support you in this process and ensure that you are clear about what will happen. The organisation will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

3.16 If you have any concerns about a child's safety and wellbeing, including a child in the guardian's care or host family care, please call the NSPCC on 0800 800 5000 and one of the helpline

advisors can help you. Alternatively, you can text the NSPCC on 88858 or email at help@nspcc.org.uk. If you think a child is in immediate danger, don't delay – **call** the police on 999.

4. Roles and Responsibilities

Amber Education's CEO Harry Lee has overall responsibility for:

- maintaining and operating the policy
- annual review of the policy
- annual report on the effectiveness of the policy
- approving amendments to the policy
- promoting the policy periodically
- maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to the CEO.
- To provide advice and support for whistleblowing matters.

Managers/Leaders

- To undertake investigations without undue delay.
- To maintain confidentiality.
- Employees: To raise issues of concern responsibly.
- Others: As an employee of a contractor of Amber Education or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. Amber Education is committed to encouraging all individuals, including Amber Education non-employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as Amber Education employees.

5. Equality Impact Assessment

The equality impact assessment of this policy is wholly positive as the policy supports the opportunity to address equality and diversity issues.