

Aurora

Whistleblowing Policy

Policy Reference:	AQ2
Version Number:	3
Applies to:	<i>All services</i>
Associated documents:	Employee Handbook AHR2. Staff Grievance Policy AQ1. Complaints Policy AQ6. Incident Reporting Policy AQ6.1. Reporting Up Policy
Approved by:	<i>The Incident and Safeguarding Governance Committee</i>
Implementation date:	<i>10 August 2020</i>
Next review due by:	<i>10 August 2023</i>

1. Introduction

1.1 Purpose

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the group know how to raise concerns about potential wrongdoing in or by Aurora
- Set clear procedures for how the group will respond to such concerns
- Let all staff know the protection available to them if they raise a whistleblowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

1.2 Legal Framework

This Policy fulfils the requirements of:

the [Public Interest Disclosure Act 1998](#)

[The Employment Rights Act 1996](#)

and makes reference to [government guidance on whistle-blowing](#).

2. Scope

2.1 The policy applies to all employees or other workers who provide services to the group in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2.2 For ease, all of the foregoing will be referred to as 'staff' or 'staff member' in this policy.

2.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

3. Policy Statement

3.1 Definition

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". This means it must affect others, for example the general public. Examples of whistle-blowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption
- Where the health and safety of pupils and/or staff are being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Damage to the environment
- Attempts to cover up the above, or any other wrongdoing in the public interest

A whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns about the group or individual services in the Aurora Group, count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.
- Free, confidential whistleblowing advice: 020 3117 2520

3.2. Procedure for staff to raise a whistleblowing concern

3.2.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or group procedures, put people in danger or was an attempt to cover any such activity up and is in the public interest to report.

3.2.2 Who to report to

In the first instance staff should always consider reporting up through their line management structure. It is our aim to provide a speedy resolution to concerns as close as possible to the original point of contact and as such, The Aurora Group encourages concerns to be resolved between staff members and their immediate line managers. Line Managers may be able to agree a way of resolving concerns quickly, effectively and often immediately. We pride ourselves on taking all comments and complaints seriously. However, if a staff member believes that the complaint is of a serious nature, or does not have the confidence that it will be dealt with swiftly, then they should follow the actions outlined below:

Site based staff should report their concern to the Site Lead. If the concern is about the Site Lead, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Operations Director.

Central team staff should report their concern to the Function Lead. If the concern is about the Function lead, or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to the CEO.

All staff can report directly to the CEO or to the Chair of the Aurora Group if they believe that senior management are involved in any wrongdoing.

3.2.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

3.2.4 Confidentiality

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information.

The Aurora Group recognises that the decision to report a concern can be a difficult one to make and it does not tolerate harassment, bullying or victimisation of any kind. We will take appropriate action to protect you when you raise a concern in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the H.R. Department and appropriate measures can then be taken to preserve confidentiality and provide support.

Should staff wish to remain anonymous following a disclosure, we will make every effort to keep their identity secret. In situations where a resolution cannot be found without the staff member's identity being revealed (i.e. evidence to be given in court) then The Aurora Group may seek to discuss the matter with the staff member prior to a decision being made.

3.2.5 Whistleblowing hotline

The Whistleblowing Hotline is managed externally and is staffed by professionals who are independent of The Aurora Group. This provides an additional route for people to raise concerns. Anyone can use the hotline but it is intended primarily for people we support and staff.

The Whistleblowing Hotline might be used where a person you support is concerned about their own, or any other Aurora service.

The Whistleblowing Hotline cannot respond to calls about individual issues which should be resolved locally; for example, rotas, pay issues and grievances.

The **Whistleblowing Hotline telephone number is 0207 423 8787.**

The Whistleblowing Hotline is available between the hours of 9am to 5pm Monday to Friday (excluding public holidays). Outside of these times, it is possible to leave a message.

When you call the Whistleblowing Hotline a member of the hotline team will ask you a series of questions about the concern that you wish to raise. All concerns raised will be treated sensitively and with due regard to confidentiality, nevertheless, details of concerns raised via the Whistleblowing Hotline will need to be passed on to those with a legitimate need to have this information.

The Whistleblowing Hotline is a reporting hotline only. Concerns raised on the Whistleblowing Hotline will be reported to the Aurora Group, to enable the Aurora Group to undertake an investigation into those concerns as described in section 3.3.1 of this policy. In some circumstances, where the matter is exceptionally serious in nature, the Whistleblowing Hotline may report your concern direct to a third party independent body such as the police, Ofsted or the local safeguarding team. It may not be possible, due to confidentiality or other legal reasons, to report to you that your concern has been passed on to that third party independent body.

If you would like to report a concern to the Whistleblowing Hotline, but do not wish to use the telephone service, you may instead send details of your concern to the following email address **reporting@thwhistle.com**. This email address is monitored between the hours of 9am to 5pm Monday to Friday (excluding public holidays). To enable your concern to be dealt with appropriately, please do try to include as much detail as possible (see below for suggested questions that you should try to answer) and, preferably, provide contact details so that someone from the Whistleblowing Hotline can contact you for more information if necessary.

3.3. Group procedure for responding to a whistleblowing concern

3.3.1 Investigating the concern

When a concern is received by the Line Manager/Site Lead/Operations Director/Function Lead/CEO/Chair-referred to from here as the 'recipient'

- Recipients should take advice from their H.R. Department when responding to concerns raised
- Recipients will decide if the matter needs to be referred to the Local Authority for them to determine whether there are safeguarding concerns. Recipients should ask their DSL, the group Safeguarding Lead or the Quality Assurance Director if they are unsure. If the Local Authority determine there is a safeguarding concern any investigation by the Aurora Group must be authorised by the Local Authority.

Where a whistleblowing concern has been raised anonymously:

- The recipient will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a similar or more senior position).

Where an individual raises a whistleblowing concern, the recipient will:

- Contact or meet with the person raising the concern within a reasonable timescale. Where a meeting is agreed, the person raising the concern may be joined by another staff member or a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.

- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 3.4 of this policy)

In all cases the recipient should:

- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the Operations Director or members of the Executive Team if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police or local authority
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

3.3.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern (where this is known) of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

The investigation and its outcome will be reviewed by the Incident and Safeguarding Governance Committee and any lessons learned which could improve our service, across the group, or at different services will be shared accordingly. Beyond the immediate actions, the Incident and Safeguarding Governance Committee, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

3.4. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the group will consider whether any disciplinary action is appropriate against the person making the allegation.

3.5. Escalating concerns beyond the group

The group encourages staff to raise their concerns internally, in line with section 3.2 of this policy, but recognises that staff may feel the need to report concerns to an external body.

If you reasonably believe that the appropriate action has not been or will not be taken, there are a number of bodies to which qualifying disclosures may be made. We strongly encourage staff to seek independent advice before reporting a concern externally. These include:

In the case of children or vulnerable adults:

- The nominated Local Authority Designated Officer (LADO) for safeguarding, or Safeguarding team at the Local Authority
- (adults) Care Quality Commission (England) 03000 616161
- (children) Ofsted 0300 123 4666 - Ofsted will not normally consider a complaint about a school until you have followed the complaints procedure first.
- NSPCC Whistleblowing Advice Line on 0800 028 0285

In the case of a criminal offence:

- › Police

A full list of prescribed bodies to whom staff can raise concerns with is included [here](#).

4. Roles & Responsibilities

Aurora Executive Team

- › Ensure the provision offered by Aurora is compliant and provides a good quality of service
- › Ensure the provision of and adherence to this policy and procedures
- › Direct and instruct all employees and in their duties and responsibilities in:
 - Monitoring and reporting
 - Training and education
 - Safeguarding

The Incident and Safeguarding Governance Committee:

- › Review whistleblowing investigations and their outcomes to ensure all recommended actions have been undertaken
- › Identify and share lessons learned which could improve our service
- › Where necessary, review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Site Level and Central Senior Leadership Teams

- › Provide all employees with relevant documentation/ procedures
- › Ensure employees fully understand the information provided
- › Act appropriately if procedures are not being followed
- › Raise any issues concerning safeguarding to your DSL, and if it requires escalation, then to your Operations Director and/or the group Safeguarding Lead or the Quality Assurance Director in line with Aurora policy
- › Undertake investigations and implement actions as required
- › Communicate outcomes and lessons learned as appropriate

Employees and contractors:

- › Follow procedures as outlined above
- › Use internal systems to raise concerns where appropriate
- › Report all safeguarding concerns as per local policy

5. Implementation

All site senior leadership teams and Central Function leads are responsible for ensuring this policy is implemented in their site or function

6. Support, Advice and Communication

More support advice and guidance in reporting concerns can be provided by the HR and Quality Teams. At sites, the Operations Directors can provide operational support and further information regarding regulatory expectations.

7. Review

This policy will be reviewed by the Incident and Safeguarding Governance Committee every three years or as changes in legislation, regulation or circumstances dictate.