Whistleblowing Policy and Procedure

**Adopted:** 31 July 2018

**Introduction**
This Whistleblowing Policy and Procedure sets out the framework for dealing with allegations of illegal and improper conduct. Amala is committed to the highest standards of transparency, probity, integrity and accountability.

This procedure 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 procedure does not replace other policies and procedures such as the complaints procedure and other specifically laid down statutory reporting procedures. This procedure is intended to ensure that Amala complies with its duty under the Public Interest Disclosure Act 1998.

**Scope**
This procedure applies to all Amala members of staff, volunteers and representatives.

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
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct
Reporting
If you want to make an allegation, you can do so verbally by phone on +44 (0) 7490255772 or in writing by contacting mia@amalaeducation.org*. The whistleblower should state clearly that you are making a protected disclosure under Amala’s Whistleblowing Policy.

Amala 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 either to Amala and/or to those for whom Amala are providing a service.

Amala 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.

If the whistleblower believes that Amala Executive Team is involved, it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation directly to the Chair of the Board.

Confidentiality
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. 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. Amala will not, without the whistleblower’s consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

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 Executive Director/Chair of the Board of Trustees. You will need to give a contact telephone number or email address so Amala can contact you.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- 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

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).

**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.

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.

**Action on receipt of an Allegation**

When an allegation is reported, Amala will make contact with the whistleblower within five working days to 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 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.

If the allegation relates to fraud, potential fraud or other financial irregularity, the Chair of the Board of Trustees will be informed within 5 working days of receipt of the allegation. The Chair of the Board of Trustees will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Trustees and a decision will be made as to whether to inform the Police. If the
allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

If the issue is around suspected harm to children or young people, the Safeguarding Policy should be referred to.

**Timetable**

- Amala will acknowledge the allegation in writing within five working days with
  - An indication of how Amala proposes 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 Amala will be unable to communicate what action has been taken.

**Support**

Amala 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 Amala will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Amala 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.

**Responsibility for the Procedure**

The Co Executive Directors and Chair of the Board 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.

**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

---

Amala Whistleblowing Policy and Procedure
Adopted 31 July, 2018
The Register will be confidential and only available for inspection by the Board of Trustees.

The Co Executive Directors will report annually to the Board of Trustees 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.

Amala Whistleblowing Policy and Procedure
Adopted 31 July, 2018