

ITALIA CONTI

Whistleblowing Policy and Procedures

Approval and Review:

Approved by: Senior Leadership Team	8 th February 2024
Checked by:	Director of HR
Checked by:	Quality Assurance Team
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This policy will be reviewed and approved by the Senior Leadership Team annually.

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1. Overview

Italia Conti promotes a culture of openness and accountability in order to minimise the risk of things going wrong, or of unknowingly harbouring illegal or unethical conduct. This organisational ethos also helps to address any issues when they do occur.

Italia Conti has adopted this *Whistleblowing Policy*, and its accompanying *Procedure* on whistleblowing, to allow staff members to raise legitimate concerns internally and in a confidential fashion about wrongdoing at work (malpractice) whose reporting is “in the public interest”. (Examples of malpractice are given in **Section 3**).

A “Whistleblower” can be a staff member, a self-employed consultant, contractor or other worker who provide services to Italia Conti and who has a genuine concern about suspected malpractice. This concern must be raised using our *Whistleblowing Policy and Procedure*. The act of providing information about such concerns is called a “disclosure”.

Any disclosures brought by the Whistleblower must be *genuinely* held, and not vexatious or malicious. (Please see **Section 12**).

Although most disclosures brought by whistleblowing can be resolved internally, this policy also considers the process by which such concerns can be raised outside the organisation.

This Policy **does not** form part of the employee’s contract of employment and may be amended at any time. The Policy applies to all employees or other workers who provide services to Italia Conti in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

This Policy has been written taking into account the Public Disclosure Act 1998 as well as government guidance on whistleblowing¹.

2. Policy Aims

Italia Conti is committed to conducting its business with honesty and integrity. We promote a culture of openness and accountability and expect staff to respond appropriately should these standards ever be compromised.

Italia Conti’s Policy on Whistleblowing is intended to demonstrate that we will:

- not tolerate malpractice;
- let all staff know how to raise concerns about potential wrongdoing;
- 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

¹ UK Government, <https://www.gov.uk/whistleblowing>.

their confidentiality will be respected so far as it is consistent with addressing the issues raised effectively);

- provide a transparent and accessible procedure for raising concerns;
- provide the opportunity to raise concerns outside of the normal line management structure (where this is appropriate);
- let all staff know the protection available to them if they raise a whistleblowing concern;
- assure the 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 false, vexatious or malicious concerns may be considered a disciplinary issue);

3. Scope and examples of malpractice

This *Whistleblowing Policy and Procedure* is not a substitute for our normal line management processes; staff should always consider using these avenues first when raising concerns.

This procedure is separate from the Italia Conti's *Grievance Procedure*. For example, personal staff grievances such as bullying, or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, it is likely to be a grievance. It follows, therefore, that the whistleblowing procedure should not be used to raise grievances about a staff member's employment situation. In those cases, Italia Conti's *Grievance Procedure* or *Bullying and Harassment Policy* should be used (as appropriate). If you are uncertain whether something is within the scope of this *Whistleblowing Policy*, you should seek advice in confidence from the Director of Human Resources.

This procedure is designed to enable members of staff to express a legitimate concern regarding *suspected malpractice* within Italia Conti.

Malpractice usually involves illegal activities, breaches of statutory procedures, negligent or wrong behaviour, actions that put people in danger, or attempts to cover any such activity up. Examples of malpractice can include bribery, corruption or fraud. It can include action or omissions which contravene the *Staff Code of Conduct* or which, in extreme cases, can lead to a miscarriage of justice. It can also include deliberate actions or omissions which might lead to a serious risk to health and safety or the environment. (Note: this list is not exhaustive).

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Some common examples of malpractice include:

- breaches of Italia Conti's internal policies and procedures (including the *Staff Code of Conduct*);
- bribery;
- child protection and/or safeguarding concerns;
- conduct likely to damage Italia Conti's reputation;
- corruption;
- creating or ignoring a serious risk to health, safety or the environment (negligence);
- criminal activity;
- damage to the environment;
- danger to health and safety;
- dishonesty;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial irregularities, e.g., fraud or mismanagement;
- miscarriages of justice;
- negligence;
- the deliberate concealment of any of the above matters;
- the encouragement of radicalisation and extremism;
- unauthorised disclosure of confidential information.

(Note: this list is not exhaustive).

These acts can be in the past, present or future. For example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

4. Reporting a disclosure

a) Whom to contact:

We hope that in many cases the Whistleblower will be able to raise any concerns with their line manager. The Whistleblower may tell them in person, although it is usually preferable for concerns to be made in writing wherever possible. The line manager may be able to agree a way of resolving the concern quickly and effectively. In some cases, they may refer the matter to the CEO, or an appropriate member of the Senior Leadership Team (SLT).

If the concern is about the Whistleblower's line manager, then the matter should be reported to the next senior manager in the organisational hierarchy. (If a Whistleblower is unsure whom that is, they should contact Human Resources for clarification).

Where the matter is more serious, or the Whistleblower feels that their line manager or member of the SLT has not addressed their concern, or if the Whistleblower prefers not to

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raise it with them for any reason, they are at liberty to raise a whistleblowing concern to the CEO. If the Whistleblower feels unable to approach the CEO, then the Chair of the Board of Directors should be the first point of contact. (Note: The CEO or Chair of the Board of Directors, upon receiving the Whistleblower's concern, may delegate the investigation to an appropriate member of staff).

For areas of particular concern, the e-mail address: speakup@italiaconti.co.uk is monitored by the Senior Leadership Team.

Any concern raised will be investigated thoroughly and in a timely manner and, where appropriate, corrective action will be taken. The Whistleblower will be kept informed of the progress of the investigation and its likely timescale. Wherever possible and subject to third party rights, the Whistleblower will be informed of the resolution.

There are separate procedures if the concern is about the CEO, (see **Section 8**), or a member of the Board of Directors (see **Section 9**).

If Whistleblowers feel unable to raise an issue with Italia Conti or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

- **Protect**, an independent whistleblowing charity, previously known as Public Concern at Work (helpline: 020 3117 2502, email: whistle@protect-advice.org.uk, website: <https://protect-advice.org.uk/>).
- **NSPCC**, the NSPCC Whistleblowing Helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk, website: <https://www.nspcc.org.uk/>).

b) Information to include:

Whenever possible, the whistleblowing disclosure should be made in writing. The whistleblowing disclosure should include:

- a) the names of those allegedly committing the wrongdoing;
- b) relevant dates;
- c) relevant locations;
- d) context;
- e) any other relevant evidence;
- f) any personal interest the staff member might have in the matter.

5. Investigating the disclosure

When a Whistleblowing disclosure is made to the appropriate staff member at Italia Conti (see **Section 4**), this member of staff (referred to here as the “recipient”), will follow this procedure:

i) meet with the person bringing the disclosure (the “Whistleblower”) within a reasonable time. The Whistleblower may be joined by a companion, (a colleague or a trade union or professional association representative). Note: The Whistleblower’s companion must respect the confidentiality of the disclosure and any subsequent investigation.

ii) obtain as much detail as possible about the disclosure at this meeting and record the information, e.g., parties involved, dates, places and as much evidence and context as possible. Whistleblowers (and staff dealing with whistleblowing cases) should also include details of any personal interest in the matter. If it becomes apparent the disclosure is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.

iii) reiterate, at this meeting, that the Whistleblower is protected from any unfair treatment or risk of dismissal as a result of bringing the disclosure. They should be advised, however, that if the disclosure is found to be malicious or vexatious, disciplinary action may be taken (see **Section 12** of this policy).

iv) The Whistleblower should be advised that they may be required to attend additional meetings in order to provide further information as the disclosure raised is investigated.

v) The recipient should establish, (taking reasonable steps and asking advice from appropriate and authorised others) whether there is sufficient cause for concern to warrant further investigation. **If there is:**

vi) the recipient should then arrange a further investigation into the matter, involving the CEO or member of the SLT, (if appropriate). In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.

vii) 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.

viii) in most cases a panel of the CEO and other investigators, with a quorum of at least three, will investigate the disclosure. In rare cases, Italia Conti may appoint an investigator or team of investigators (which may include staff members) with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations to enable Italia Conti to minimise the risk of future wrongdoing.

ix) any disclosure raised will be investigated thoroughly and in a timely manner, and appropriate action will be taken. The Whistleblower will be kept informed of the investigation’s progress and, whenever possible (and subject to third party rights), informed of the outcome. Please bear in mind that the need for confidentiality may sometimes prevent Italia Conti giving

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the Whistleblower specific details of the investigation or any disciplinary action taken as a result. The Whistleblower and any other staff members involved in the investigation should treat any information as confidential.

Italia Conti will always try to deal with concerns fairly and in an appropriate way.

If the Whistleblower is not satisfied that their concern is being properly dealt with, they have a right to raise it in confidence with the Governors.

6. Outcome of the Investigation

Once the investigation – whether an initial investigation of the disclosure, or a full investigation– 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 brought the disclosure of the outcome of the investigation, though certain details may need to be restricted due to confidentiality, e.g., it may not be possible to provide specific details of the investigation, or any disciplinary action taken as a result. The Whistleblower should treat any information about the investigation as confidential.

Beyond the immediate actions, the Principal, Governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst Italia Conti cannot always guarantee the outcome sought in any Whistleblowing allegation, we will try to deal with disclosures fairly and in an appropriate way.

7. Confidentiality

The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be "in the public interest". Italia Conti encourages staff with appropriate concerns to use the *Whistleblowing Procedure*.

Italia Conti hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if staff wish to raise a matter confidentially, we will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the Whistleblower's identity, this will be discussed with the Whistleblower.

If there is a basis for suspecting criminal activity, then the Police will always be informed.

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We do not encourage staff to make disclosures anonymously: a proper investigation may not be possible if we cannot obtain further information from the Whistleblower. Anonymous disclosures also make it more difficult to establish whether the allegations are credible. Whistleblowers who are concerned about maintaining their confidentiality should discuss this with the HR Manager who can advise on the appropriate steps. If staff are still unsure about making a disclosure, they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out in **Section 4**.

8. Whistleblowing concerns about the CEO

If the whistleblowing concern is about the CEO or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Board of Directors. Italia Conti's Board of Directors is chaired by an Independent Non-Executive Director Keith Bailey (keith.bailey@italiaconti.co.uk). Details of the current Chair of Directors can also be found at: <https://www.italiaconti.com/about-us/board-of-directors-and-advisory-board>

9. Concerns against members of the Board of Directors

If a concern against a Director is received, this will be considered by the Chair of the Board who will decide how it should be dealt with. If the concern is against the Chair of Directors, then the concern will be taken directly to the Principal who will decide (in consultation with the Director with responsibility for whistleblowing matters) how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for action.

10. External Procedures

The aim of this Policy is to provide an internal mechanism for reporting, investigating, and remedying any malpractice concerns in the workplace. In most cases, staff should not find it necessary to alert anyone outside of our organisation.

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body, such as a regulator. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue). Further help in finding a list of prescribed regulators (and the topic areas they cover), can be found at the independent whistleblowing charity, Protect, which operates a confidential helpline (<https://protect-advice.org.uk/>).

It will very rarely, if ever, be appropriate for the media to be alerted.

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual *reasonably* believes:

- that exceptionally serious circumstances justify it;

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- that Italia Conti would conceal or destroy the relevant evidence;
- where they believe they would be victimised by Italia Conti, or
- where the Secretary of State has ordered it.

We strongly encourage Whistleblowers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

If the concern is about **radicalisation and/or extremist** activity then, under Italia Conti's Prevent **Duty**, it should be reported to the appropriate agencies.

11. Prevent & Child Protection Contacts

Staff should contact the well-being team at their site for these details. The current designated Safeguarding Lead is Catherine Cooper, (01483) 322220 ext. 248.

12. Malicious or vexatious accusations

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, vexatious, frivolous or malicious, Italia Conti will consider whether any disciplinary action is appropriate against the person making the allegation.

13. Protection from Reprisal or Victimisation

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and follow the *Whistleblowing Policy and Procedure*.

It is understandable that 'Whistleblowers' are sometimes worried about possible repercussions. Italia Conti aims to encourage openness and will support staff members who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that they have suffered any such treatment, they should inform a member of the Senior Leadership Team (SLT) immediately. If the matter is not remedied, the member of staff should raise it formally using the Italia Conti's *Complaints policy*.

Staff must not threaten or retaliate against 'Whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

14. Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that their Line Manager or member of the Senior Leadership Team is not taking seriously, they should in the first instance contact the Designated Safeguarding Lead: Catherine Cooper (01483) 322220 ext. 248; or via safeguarding@italiaconti.co.uk

Italia Conti's *Safeguarding and Child Protection Policy* and procedure should be followed if the matter is in relation to a student under 18yrs.

15. Privileged documents

There is an exception to disclosure of documents in respect of those which are classed as "privileged" for whistleblowing. That means, that part of a document can be redacted if the information is commercially sensitive, confidential, and/or potentially irrelevant.

16. Linked policies

- Complaints Policy and Procedures
- Health & Safety
- Prevent Risk Assessment
- Safeguarding and Child Protection
- Safeguarding Prevent Duty

Appendix: Key Points

Don't think what if I'm wrong – think what if I'm right?

Reasons for whistleblowing:

- Everyone has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistleblowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

At Italia Conti we believe in open and honest communication. If any students have concerns about their experience with us, we do urge them to speak to their Head Tutor, Course Leader, Head of Year or a Vice Principal as appropriate. If staff have a concern, we encourage them to speak to a line manager in the first instance, a member of the Senior Management or Senior Leadership teams or HR.

For areas of particular concern, the e-mail address: speakup@italiaconti.co.uk is monitored by the Senior Leadership Team.

Alternatively, Italia Conti's Board of Directors is chaired by an Independent Non-Executive Director Keith Bailey (keith.bailey@italiaconti.co.uk). Staff or students are welcome to contact Keith, should they wish.

You should voice your concerns, suspicions, or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken. Try to pinpoint exactly what practice is concerning you and why.

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