



Whistleblowing Policy

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Scope

This policy applies to all colleagues, freelancers, and associates. This policy is non-contractual and without prejudice to your statutory rights.

Introduction

The Company has a policy of fair dealing, honesty and integrity which extends to all colleagues. We are firmly committed to maintaining the highest standards of ethics, honesty, openness, and accountability. These standards are critical in any business, but even more important for us, given our role as a government-funded national training provider and recipient of significant government funds.

From time to time, all of us may have concerns about events that happen at work. Usually, these concerns are easily resolved. However, it can be difficult to know what to do if they concern breaches of the law, serious misconduct by another person, health and safety or financial malpractice.

Such issues are thankfully rare. However, if colleagues have a well-founded concern, the Company's "Whistleblowing" Policy enables them to raise these concerns in an appropriate and effective way.

If colleagues have concerns which they think should be reported and investigated, they should follow this policy. It should be emphasised that in the first instance colleagues should always try to deal with any concerns through their Line Manager and only follow the other available routes if this is not possible. All matters will be treated in the strictest confidence.

This policy is designed to protect those raising a genuine concern from detriment and unfair dismissal, in compliance with the Public Interest Disclosure Act 1998 which came into force in July 1999.

Policy Statement

The Company encourages an open culture in all dealings between colleagues, managers, and all other people with whom it comes into contact. Effective and honest communication is essential if malpractice is to be effectively dealt with. The procedure below provides guidelines to colleagues and other individuals who work within the Company including temporary agency staff and contractors, who may feel they need to raise, in confidence, issues relating to the Company.

Principles

The Public Interest Disclosure Act 1998 came into effect in July 1999. This Act sets out a framework to promote the responsible and protected disclosure of concerns on the following matters:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with a legal obligation which they are subject to;
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health and safety of an individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged; and
- That information tending to show any matter falling within the matters above has been, is being or is likely to be concealed.

Please note the areas below which are not covered by this procedure:

- This procedure is not a substitute for the grievance procedures that exist.
- The procedure is not a channel for employees to raise matters in relation to their terms and conditions of employment.

The procedure does allow colleagues to have their concerns treated in confidence. However, all concerns must be raised reasonably believing that the disclosure is in the public interest. Anyone who abuses the procedure (for example by maliciously raising a concern they know to be untrue), will be subject to disciplinary action, as will anyone who victimises a colleague by raising a concern through this procedure.

Assurance to colleagues

Colleague Protection

The Senior Management Team (SMT) are committed to this policy. If colleagues raise a genuine concern, they will not be at risk of damaging their position as a result.

Provided colleagues are acting in reasonably believing the disclosure is in the public interest, it does not matter whether or not their concern proves to be well-founded. However, The Company does not extend this assurance to anyone who acts from an improper motive or raises a matter they know to be untrue.

Colleague Confidence

The Company will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct will be subject to disciplinary action. Colleagues may decide that they want to raise a concern in confidence, and if they ask for their identity to be protected, it will not be disclosed without their consent.

If a situation arises where it is not possible to deal with the concern without revealing their identity (for instance because their evidence is needed in court), there will be a discussion as to whether and how we can proceed.

This policy does allow colleagues to have their concerns treated in confidence and will also consider anonymous disclosures where sufficient information is provided to enable an investigation, in line with ACAS best practice. However, all concerns must be raised in the public interest and with reasonable belief in the information disclosed.

Raising a Concern

Step 1: Internal Management

If colleagues have a concern about malpractice (that is, those matters set out in Section 4), we hope they will feel able to raise it first with their Line Manager, a more senior manager or the People team.

This may be done verbally or in writing. Colleagues should state the facts of the matter clearly, giving the reason for their concern and may outline how they would like it to be investigated. If colleagues have a direct or personal interest in the matter, they should also tell us at this stage.

If colleagues are setting this out in writing, we ask that contact details are provided.

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Step 2: Alternative Internal Contacts

If colleagues feel unable to raise the matter with someone in their immediate line management, for whatever reason, they should contact the People Team.

If colleagues wish to raise the matter in confidence, we will ensure that practical measures are put in place to protect their identity. We will contact employees by the most secure means possible. We will not disclose a colleague's identity without their consent unless we are required to do so by law.

Step 3: External Contacts

If colleagues are unsure about whether or not to follow this policy, or want further independent advice, they may contact "**Protect**". This is a charity, completely independent of the Company, which specialises in providing free and confidential legal advice on how to raise a concern about serious malpractice at work. Protect will also help to advise on whether a circumstance can be properly reported to an additional outside body such as the Police.

When a concern is reported, Remit will review and assess what initial action should be taken. The colleague raising the concern may be asked how they think the matter might best be resolved. If we believe that a concern falls more properly within the other Company policies (e.g. '*Grievance Policy*' or '*Bullying & Harassment Policy*') we will inform the colleague.

The Company will institute the appropriate enquiries and/or investigations and will:

- Tell the colleague who is handling the matter and how they can be contacted
- Say whether the colleague's further assistance may be requested; and
- If the colleague requests, they will be written to, with a summary of their concern and an outline of how the Company proposes to handle it.

While the purpose of this policy is to enable the Company to investigate possible malpractice and take appropriate steps to deal with it, we will give colleagues as much feedback as we practically can. If requested, we will confirm our response in writing. Please note, however, that we may not be able to respond with the precise action we take where this would infringe a duty of confidentiality owed by us to someone else.

Following a Concern

If you are unhappy with our response, the option remains open to colleagues to go to the other levels and bodies detailed in this policy. Whilst the Company cannot guarantee that it will respond to all matters in the way that colleagues might wish, the matter will be handled fairly and properly. By using this policy, colleagues will help us to achieve this.