



# Whistle Blowing Policy

<b>Title</b>	<b>Date</b>	<b>Who</b>
Origin date	April 2010	Ian Simms
Reviewed	June 2021	Dale Wood
Last Review	November 2022	Ian Simms
Next Review	November 2023	Ian Simms

## **WHISTLEBLOWING (Making a Disclosure in the Public Interest)**

### **- POLICY AND PROCEDURE**

#### **1. POLICY:**

Skillwise Training is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regularity Reform Act 2013, protects the employee against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

#### **2. AIM**

To ensure that "whistleblowing" is facilitated in a manner which fosters openness yet allows for the legitimate protection of the "whistleblower".

#### **3. SCOPE**

This policy is designed to enable employees of Skillwise Training to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

Applicable to all employees (permanent, temporary, homeworkers, those undergoing training, agency workers, casual, full and part time) of Skillwise Training.

#### **4. INTRODUCTION**

Skillwise Training is a publicly funded organisation and is committed to the Ten Principles of Public Life - selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership. Such a culture should help all employees, at all levels, regardless of age, disability, race, ethnic or national origins, religious or political beliefs and affiliations, gender, sexual orientation, marital status and family responsibilities to feel free to report genuine concerns about malpractice without fear of reprisals. Malpractice is taken seriously in the business.

The business and Senior Management staff are committed to ensuring that Skillwise Training is administered honestly at all times and that it is operating in a climate of openness in which staff can raise legitimate concerns without fear of reprisal.

#### **5. WHAT IS WHISTLEBLOWING**

Whistleblowing is not legally defined however; Lord Borries (QC Business Ethics and Accountability) described it as:

i. "Whistleblowing is the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or his fellow employees".

#### **6. CONFIDENTIALITY**

Any matter raised under this procedure will be treated in strictest confidence and the name of any employee or member of Skillwise will not be disclosed without permission. Furthermore, any investigation will be carried out discreetly and the nature of the allegations and name(s) of those implicated will not be made public.

#### **7. PROTECTION**

Under the Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013 the disclosure of confidential information in the public interest is a lawful act and employees cannot be dismissed, disciplined or unfavourably treated provided:

- i. the procedure has been followed.
- ii. The employee has acted in the public interest and not for personal gain or out of personal motives.

Under no circumstances should employees or members of Skillwise talk to the media (press, radio, television etc.) or to any other person or body without first exhausting the proper procedure.

## **8. ANONYMOUS ALLEGATIONS**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

## **9. MISUSE OF THE PROCEDURE**

Wilful misuse of this procedure to knowingly make false or malicious accusations could constitute gross misconduct and may lead to disciplinary proceedings. Whistleblowing is not to be used to raise grievances. Skillwise has a well-established Grievance Procedure designed to resolve and redress employee grievances.

## **10. UNTRUE ALLEGATIONS**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

## **10. PROCEDURE**

10.1 Any concerns about malpractice should always be raised internally in the first instance.

10.2 If there are reasonable grounds for believing that malpractice (such as that listed above) is happening in Skillwise, the Quality and Operations Manager should be contacted immediately, and details given either orally or in writing.

10.3 The Quality and Operations Manager will arrange for an appropriate investigation to be carried out. The method of the investigation will be determined by the Quality

and Operations Manager in conjunction with a Director and will be actioned promptly in accordance with the needs of the situation. If there is evidence of criminal activity the police will be involved.

10.4 If there is concern or dissatisfaction that the investigation is not being dealt with properly the matter should, after notifying the Quality and Operations Manager, be raised in confidence with the Director.

10.5 If it is the Quality and Operations Manager who is suspected of malpractice the Director should be contacted. Similarly, if both the Training Manager and the Director are suspected the Chairperson of the Governing Body should be contacted.

10.6 Independent confidential advice can be obtained from the charity 'Public Concern at Work' (The telephone number for this Charity is available from the Quality and Operations Manager in the event that the complaint is against the Quality and Operations Manager).

## **11. INVESTIGATING PROCEDURE**

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual's legal representative.
- The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Chairman/Business Owner if appropriate
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chairman or Business Owner as appropriate.
- The Chairman/Business Owner will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of Company procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Business Owner / Chairman, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Skillwise Training recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body (e.g. the Health and Safety Executive). A full list of prescribed people and bodies can be found on the Government Website ([www.gov.uk](http://www.gov.uk)).

## **11. TIMESCALES**

The Quality and Operations Manager or person responsible for the investigation will normally acknowledge receipt of any concern in writing within five working days and report to the “whistleblower” on progress, the eventual outcome and any action proposed or taken. Reports may be oral or written. If written, they will be sent to home addresses and marked confidential.

Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address marked “confidential”.

Skillwise will strive to resolve matters as quickly as possible.

## **12. ACCESS TO EXTERNAL BODIES**

Skillwise Training is responsible for considering the allegations in the light of the evidence from the investigation and for determining the appropriate course of action. If there are concerns with the decision the matter should be discussed with the Director. If there is still no satisfaction the matter should be raised with an appropriate external body for example:

- The Internal Verifiers
- The External Verifiers
- The Education and Skills Funding Agency (ESFA) or any successor body

- Ofsted

Such a step however, would have serious implications for Skillwise and should, therefore, only be taken after very careful consideration. Before taking such a step advice may be sought from 'Public Concern at Work' (details available from the Quality and Operations Manager).

### **Child Protection and the Safe Learner**

The Education and Skills Funding Agency has responsibility for funding the education and welfare of students and complaints can be directed to them at:

Website:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

Postal Address:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

In addition, attention is drawn to Ofsted, who are the Office for Standards in Education, Children's Services and Skills. Ofsted inspect services providing education and skills for learners of all ages. Ofsted also inspect and regulate services that care for children and young people.

Website:

<https://www.gov.uk/government/organisations/ofsted>

Email:

[CIE@ofsted.gov.uk](mailto:CIE@ofsted.gov.uk)

Postal Address:

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Tel: 0300 123 4666 or 0161 618 8524 for Text phone/Minicom users.  
These helplines are available from 8.00 am to 6.00 pm Monday to Friday.

#### **14. DOCUMENT REVIEWED**

1. Submitted as a working document on 06/02/15
2. Reviewed 02/06/21 by Dale Wood, Quality and Operations Manager