

## Whistle-blowing Policy & Procedure

| Document Reference | Version   | Introduced/Changed by | Summary of changes | Approval date | Date of review |
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| HR038              | Version 2 | Jean Sullivan         | Policy update      | 2/07/2024     | 2/07/2025      |
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### Introduction:

The Company makes a moral commitment to provide learning in a safe secure and diverse environment with equality of opportunity for all. By adopting and implementing a whistle blowing policy the Company will ensure all staff and learners have the opportunity to report any concerns in an open and transparent manner. The Company is fully committed to the highest possible standards of openness, probity and accountability. In line with the commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns.

This policy applies to all employees and learners within the Company. Other individuals performing functions in relation to the Company, such as agency workers and contractors, are encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by staff or learners in the Company is reported and properly dealt with. The Company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### Background:

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed.

It is not necessary for the staff member or learner to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The staff member or learner has no

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responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

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

- the procedure has been followed.
- the employee has acted in good faith and not for personal gain or out of personal motives.

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

Employees who make such a protected disclosure have the right not to be subjected to victimisation, because they have made the disclosure.

The Company encourages staff & learners to raise their concerns under this procedure in the first instance. If a staff member or learner is not sure whether to raise a concern, they should discuss the issue with their Line Manager or the Human Resources department.

### Principles:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff & learners should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No individual will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the individual will not be prejudiced because they have raised a legitimate concern.
- Victimisation of staff or learners for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the Company's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff & learners should not agree to remain silent. They should report the matter to a Senior Leader or Director.

### Procedure

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Company's grievance procedure.

1. In the first instance, and unless the employee reasonably believes their Line Manager to be involved in the wrongdoing, or if for any other reason the employee does not wish to approach their Line Manager, any concerns should be raised with the employee's Line Manager. If they believe their Line Manager to be involved, or for any reason do not wish to approach their Line Manager, then the employees should proceed straight to stage 3.

2. The Line Manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The Line Manager (or the person who carried out the investigation) will then report to the Senior Leadership Team, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the Line Manager (or the person who carried out the investigation) will report the matter to the Human Resources department and start the disciplinary procedure. On conclusion of any investigation, the employee will be told the outcome of the investigation and what the Senior Leadership Team has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.
3. If the employee is concerned that their Line Manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Senior Leadership Team the employee should inform another manager to review the investigation carried out, make any necessary enquiries and make their own report to the Senior Leadership Team as in stage 2 above. If for any other reason the employee does not wish to approach any Line Manager, they contact a member of the Senior Leadership Team direct. Any approach to the Senior Leadership Team will be treated with the strictest confidence and the employee's identity will not be disclosed without their prior consent.
4. If on conclusion of stages 1, 2 and 3 the employees reasonably believes that the appropriate action has not been taken, they should report the matter to the proper legal authority themselves. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
  - HM Revenue & Customs;
  - the Financial Services Authority;
  - the Office of Fair Trading;
  - the Health and Safety Executive;
  - the Environment Agency.

Such a step however, would have serious implications for the Company and should therefore, only be taken after very careful consideration.

Where a learner wishes to raise a grievance they should report it directly to their trainer in the first instance, who will then follow the above stages.