

Whistle Blowing Policy

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A handwritten signature in black ink, appearing to read 'R. Baggett'.

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1. INTRODUCTION

Learning Skills Partnership (LSP) is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of its funding bodies and its own values as an organisation.

LSP aims to foster a culture of responsiveness to constructive criticism and therefore a climate in which problems can to a large extent be addressed informally. However, it recognises that this is not always possible and that its employees and associates also have the right to pursue their concerns by formal means.

The Public Interest Disclosure Act 1998 gives legal protection to workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. It is an implied term of every person's contract of employment that he or she will faithfully serve his or her employer and not disclose information about the employer's confidential affairs. However, where an individual discovers information which he or she believes shows malpractice/wrong doing within the organisation then it should be disclosed without fear of reprisal and this may be done independently of line management.

This policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed as a means of questioning financial or business decisions taken by the Company; nor should it be used to consider any matters which should be addressed under the LSP grievance, harassment, complaints or disciplinary procedures.

2. SCOPE

This Policy is designed to allow all employees and others associated with LSP's affairs by any employment or other business contract to raise concerns and disclose information at a high level about any perceived wrongdoing.

Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a

whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle

3. POLICY

- 3.1 This document is intended to encourage and enable individuals to raise serious concerns within LSP rather than overlooking a problem or 'blowing the whistle' outside the organisation.
- 3.2 Individuals can make a disclosure without fear of victimisation, subsequent discrimination or disadvantage. Anyone who raises a genuine concern will have significant legal protection under the Employment Rights Act 1996 – Part IVA, Part V and Part X, The Public Interest Disclosure Act 1998 and The Equality Act 2010
- 3.3 LSP will maintain a disclosure in line with best practice and current legislation and will not tolerate harassment or victimisation (including informal pressures) of anyone raising a concern under this procedure in good faith, whether or not it proves well founded and will take disciplinary action against any such behaviour.
- 3.4 It is important that the discloser has reasonable grounds for believing that the information being disclosed indicates a case of malpractice within LSP.
- 3.5 If the disclosure is already the subject of disciplinary or other procedures relating to their employment, those procedures will not be halted as a result of their disclosure
- 3.6 LSP has a range of policies and procedures which deal with standards of behaviour at work, covering Discipline, Grievance, Bullying and Harassment, Health and Safety, Recruitment and Safeguarding. Employees are encouraged to use the provisions of these procedures when appropriate.
- 3.7 The Whistleblowing Policy and Procedure fulfils LSP obligations under the Bribery Act 2010.
- 3.8 This document recognises the recommendations of Sir Robert Francis Freedom to Speak up Review 2015.

4. ACCOUNTABILITY

4.1 The Whistleblowing officer is the Compliance Manager Sarah Hyde who is responsible for:

- Ensuring the policy is implemented, regularly, reviewed and updated
- Being the first point of contact for any LSP staff to seek advice about the policy
- Maintaining and operating this policy and procedure and will report all concerns reported under this procedure.
- Keeping records of all concerns raised and the outcomes and will report to the Directors of LSP on an annual basis or more often, as appropriate.

4.2 All Employees:

- Are responsible for adhering to the requirements set out in this document
- Have a legal and moral responsibility to report improper acts and omissions as outlined in the procedure. In some circumstances, failure to raise such concerns may amount to breach of contract or breaking the law.

4.3 Freedom to Speak up

- It is the responsibility of LSP to ensure that there is a culture of safety and learning in which all staff feel safe to raise a concern as part of everyday practice without fear of blame or reprisal.

LSP will continually encourage staff to raise any concerns early on. This can be done using the LSP whistleblowing policy, the LSP open door policy or through structured one-to-one

meetings with managers who discuss what went well and what has not gone well on a monthly basis.

- Major gaps in training identified by the whistleblowing officer or the management team will be highlighted and addressed on a regular basis.
- At all times LSP staff and associates are expected to conduct themselves in an open and transparent manner.

5. LEARNER INVOLVEMENT

- 5.1 There is no direct learner involvement in this policy. However, LSP learners in the workplace are encouraged to exercise their discretion and professionalism if they witness malpractice and notify their line manager immediately.
- 5.2 Learners raising a concern about a member of staff in the workplace or another learner will be dealt with through the policy of that workplace. If the concern relates to an LSP member of staff this will be dealt with through the learner complaints procedure.

6. PROCEDURE FOR RAISING A CONCERN

- 6.1 Initially concerns should be raised with the Whistleblowing officer Kirsty Baggott. This can be done verbally or in writing.
- 6.2 If the discloser feels they cannot go the Whistleblowing Officer with their concern or they feel the outcome was unsatisfactory, they should express their concerns in writing to the LSP Managing Director.
- 6.3 In the event of the concern being made against the Managing Director, the discloser should express their concern in writing to one of the LSP Directors, or alternatively to the chair of the Board.
- 6.4 Although disclosers are not expected to prove beyond doubt the truth of an allegation, it is required they demonstrate reasonable grounds for concern
- 6.5 The role of the Whistleblowing Officer is to:
- Assess whether the complaint falls within the scope of the LSP disclosure procedure
 - Advise the discloser of the appropriate route to lodge the complaint if it does not fall under the procedure
 - Advise of the outcome of any whistleblowing investigation (where possible)

7. HOW THE ORGANISATION WILL RESPOND

- 7.1 If the concern does fall within the scope of the procedure, the action taken will depend on the nature of the concern, which may include:
- Internal investigation
 - Referral to the Police
 - Independent inquiry
- 7.2 In order to protect individuals and those accused of misdeeds or possible malpractice, the Whistleblowing Officer will make initial enquires to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations which fall within the

scope of specific procedure (for example, Safeguarding or discrimination issues) will normally be referred to the appropriate manager for consideration under those procedures.

- 7.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 7.4 The investigation may need to be carried out under the terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, suspension from work may have to be considered immediately.
- 7.5 Should an investigation be necessary, an Investigating Officer will be appointed by the Whistleblowing Officer. The Investigating Officer will usually be a person within the senior management team who has no direct association with the individual(s) with whom the concern is being raised.
- 7.6 A letter will be sent to the discloser's home address rather than through the internal mail. These details should be obtained from the individual to ensure the address tallies with LSP records and should be sent within ten working days (wherever reasonably possible) of the concern being raised confirming:
- That the concern has been received
 - Indicating how LSP proposes to deal with the matter
 - Offer to hold an initial exploratory meeting (to be held within 10 days of receipt of the letter)
 - Where applicable, giving an estimate of how long it will take to provide a final response
 - Confirming whether initial enquires have been made
 - Supplying information on staff support mechanisms and
 - Confirming mutual expectations surrounding confidentiality

- 7.7 The Investigating Officer will proceed to investigate the concern by taking the following steps:

STEP 1: Any meeting can be held off-site at a mutually convenient location and time. This meeting should be arranged to take place within a reasonable period of time in order to find out more by considering any relevant documentation or supporting evidence in order to decide on the next steps and should offer the entitlement for the discloser to be accompanied by a work colleague. The Investigating Officer should also be accompanied by a note-taker at this meeting.

The Investigating Officer should prepare for the meeting in advance and, in consideration of any relevant documentary evidence, should explore the need of any clarification of the disclosure, request any additional supporting evidence and identify other potential witnesses.

STEP 2: After the meeting, the Investigating Officer will review the notes taken from the meeting together with any other documentation or correspondence relating to the investigation in order to establish whether or not the claim is supported. Further meetings should be arranged if necessary.

STEP 3: The Investigating Officer will report back to the Whistleblowing Officer with the findings without any unnecessary delay. If the claim is supported, the Whistleblowing Officer will either sanction action externally, e.g.:

- Report to the Police
- SFA/Young Peoples Learning Agency
- National Audit Office
- OFSTED
- External Awarding Bodies
- Health and Safety Executive

- Environmental Agency
- Serious Fraud Office
- Inland Revenue
- Local Authority
- Information Commissioners Office
- Take action internally, (e.g. disciplinary proceedings, internal audit, review of internal policies and procedures)

- 7.8 In order to assure the discloser that the concern has been properly addressed then subject to legal constraints and following the investigation the Whistleblowing Officer will write to confirm the outcome, and again this will be sent to the discloser's home address.
- 7.9 This confirmation will not include details of any disciplinary action, which will remain confidential to the individual(s) concerned.
- 7.10 In all instances in which a concern leads to formal disciplinary proceedings, there shall be full disclosure of the name of the discloser, the nature of the allegation and the available evidence to the person against whom the concern has been raised to enable him or her to have the opportunity to respond.
- 7.11 Although disclosers are not expected to prove the truth of an allegation, it is required they demonstrate reasonable grounds for concern
- 7.12 A discloser who has not had a response within the time limits stated above or otherwise feels that the complaint is not being dealt with appropriately has the right to appeal to the LSP Directors. The LSP Directors will make a final decision on action to be taken and will notify the discloser of the outcome.
- 7.13 Where there is no case to answer, but the discloser held a genuine concern and was not acting maliciously, the Whistleblowing Officer should ensure that the discloser suffers no reprisals.

8. CONCLUDING THE PROCESS

- 8.1 The Whistleblowing Officer will confirm, in writing, the conclusion of the investigation to the person or persons against whom the concern is made to a confirmed home address
- 8.2 The Whistleblowing Officer will compile quarterly reports detailing all substantiated disclosure and any subsequent actions taken to the LSP Directors.
- 8.3 Any unsubstantiated disclosures will be reported annually to the LSP Directors in the same way.

9. SUPPORT FOR DISCLOSERS

- 9.1 LSP recognise that raising a disclosure can be a stressful experience and seek to be supportive and remove the fear from the process
- 9.2 If, at any stage, the discloser is concerned about what progress is being made, requires support or reassurance, or feel they may be being victimised or harassed as a result of making the disclosure, they should contact the Whistleblowing Officer.

10. CONFIDENTIALTY

- 10.1. LSP will treat all such disclosure as confidential and sensitive. LSP will exercise particular care to keep confidential the identity of any such person raising a concern under this procedure until it is decided it may be necessary to launch a more formal investigation thereafter, the identity of the discloser may be kept confidential, if requested, unless this is

incompatible with a fair investigation or unless there is an overriding reason for disclosure. In any such instance, the discloser will be consulted before any action is taken.

- 10.2. If there is an unauthorised disclosure of identity, disciplinary action may be taken against that individual.

11. ANONYMOUS ALLEGATIONS

- 11.1 This procedure encourages disclosers to put their name to an allegation whenever possible. Concern expressed anonymously are much harder to investigate and difficult to resolve.

- 11.2 In responding to an anonymous disclosure, the Whistleblowing Officer will pay due regard to fairness to any individual named, the seriousness of the concern raised, the credibility of the complaint and the prospects of an effective investigation and discovery of evidence.

12. DISCLOSURE TO EXTERNAL BODIES

- 12.1 This procedure is intended to provide LSP staff and associates with an avenue to raise concerns within LSP and learners to raise concerns within the workplace. However, the disclosers have the right to take the matter outside LSP if they feel the concern has not been dealt with satisfactorily. If this is the case, the discloser should initially raise their concern with one of the LSP Directors.

13. CHANGES TO THE POLICY

This policy will be monitored and reviewed on a regular basis, to ensure that it meets the needs of the business and to ensure compliance with relevant legislation.

This policy does not form part of your contract of employment.

