

Whistleblowing Policy

1. Introduction

- 1.1 Employees are often the first to realise that there may be something wrong. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Training Centre. They may also fear harassment or victimisation. In the circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 ETL is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Training Centre to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis but it is important that all disclosures must be made in the public interest.
- 1.3 This policy document makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the Training Centre.
- 1.4 Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 ("PIDA")**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the Training Centre which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.
- 1.5 This policy applies to all staff including full and part time, casual and temporary.
- 1.6 It is also in line with the Enterprise Regulatory Reform Act (2013)
- 1.7 These procedures are in addition to the Training Centre Complaints Procedures.

2. Aims and Scope of Policy

2.1 This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that they are encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

2.2 There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment. This policy does not enable them to raise a concern about a breach of their own contract of employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

2.3 This policy covers whistleblowing relating to alleged:

- sexual, physical or emotional abuse of members of staff or learners
- health and safety issues including risks to the public as well as risks to learners and members of staff
- action that has caused or is likely to cause physical danger to any person or risk serious damage to training centre property
- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and

- any attempt to prevent disclosure of any of the issues listed.
 - Inappropriate use of social media and other technologies
- 2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle blow.

3. Safeguard Against Reprisal, Harassment and Victimisation

- 3.1 ETL will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the ETL's staff disciplinary procedures.

The Company (ETL):

- 3.1.2 Is committed to good practice and high standards and wants to be supportive of employees.
- 3.1.3 Recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.1.4 Recognises that support will need to be provided to the employee, at the time the allegation is raised, during the investigation itself and following the outcome of the investigation. The nature and type of support offered will need to be discussed and agreed with the individual employee.
- 3.1.5 Will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern.
- 3.1.6 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. Confidentiality

- 4.1 ETL recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.
- 4.2 However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistle blower is likely to be called in to give evidence in court.

5. Anonymous Allegations

- 5.1 Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of learners. In relation to determining whether an anonymous allegation will be taken forward ETL will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

6. Untrue and Malicious/Vexatious Allegations

- 6.1 If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then ETL will consider taking disciplinary action against the member of staff. In the most serious of cases. This may include dismissal.

7. Allegations Safeguarding Issues

- 7.1 If an employee raises a concern relating to a safeguarding issue, the Training Centre's Designated Safeguarding Officer must deal with the matter in accordance with the Training Centre's Safeguarding Procedure.

8. Procedure for Making a Whistleblowing Allegation

- 8.1 Concerns should be expressed to the Head of Learning and Development. If the concerns involve the Head of Learning and Development then the Managing Director should be the first point of contact.
- 8.3 Where the concern relates to a safeguarding matter the Training Centre's Safeguarding Procedure must be followed. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.
- 8.4 The member of staff should put their concern in writing for the avoidance of doubt. They should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for their concerns. If they feel unable to put the matter in writing they can still raise their concern verbally and should telephone or arrange to meet the appropriate person.

9. Response to Whistleblowing

- 9.1 The matter raised may:
- need consultation with the local authority's designated social services manager for safeguarding if there is a concern relating to safeguarding.
 - need to be passed to the Police if it relates to alleged criminal activity
 - need inquiry internally in the Training Centre
- 9.2 At this stage concerns/allegations are neither accepted nor rejected.

10. Timescale for Response

- 10.1 The member of staff will normally receive a written response within 5 working days (except in the case of anonymous allegations):
- acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - advising whether any enquiries have been made
 - advising whether further enquiries will take place
 - informing them of support available whilst matters are looked into and following the outcome of the investigation

- maintaining confidentiality wherever possible, but also explaining that it may not be possible that they can remain anonymous.

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11. The Inquiry Process

- 11.1 The person receiving the allegation will be the Head of Learning and Development unless the concern involves the Head of Learning and Development in which case the Managing Director will be the first point of contact, Where there is a concern about a safeguarding matter the Training Centre's Designated Safeguarding officer may also be the first point of contact. There will be a duty on the first point of contact to deal promptly with the matter, to become the contact point for the employee raising the concern and write to the employee within 5 working days to advise them how their concern will be addressed. (see 10.1 above) If required the first point of contact can obtain advice, on procedure from Human Resources or the Head of Safeguarding and Support.
- 11.2 If an investigating officer needs to talk to the member of staff, they are permitted to be accompanied by a professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.
- 11.3 The first point of contact will seek to keep the employee informed of progress with their concern in a timely manner. However the timescales to be followed will vary depending on the nature of the issue raised and the procedure that is being followed to address the matter.

12. The Report

- 12.1 A report will be produced following an investigation into the concern in accordance with the appropriate process The matter and action to be taken, if any, will be determined by the person (s) who are identified in the procedure as having the delegated authority to deal with the matter.
- 12.2 The Training Centre accepts that the employee needs to be assured that the matter has been properly addressed. Thus, the member of staff will be informed when an investigation has been concluded.
- 12.3 All information relating to the disclosure of information will be securely held. Accurate information relating to any subsequent investigation will be retained securely and where allegations have been proven to be unfounded this will be clearly recorded.

13. Taking The Matter Further

13.1 If no action is to be taken and/or the member of staff is not satisfied with the way the matter has been dealt with, they can make a complaint under the Training Centre's complaint procedure or raise their concerns with other organisations as listed below:

- the local authority
- a professional association
- an awarding organisation
- a relevant professional body or regulatory organisation
- a solicitor
- the Police - for concerns of criminal behaviour

Document History:

1_EPOL_59_1.4.doc

Revision	Date Added	Added By	Expiry Date	Review Date
1.4	02/10/2025	Simon Hobbs	n/a	02/10/2026
1.3	04/10/2024	Simon Hobbs	n/a	04/10/2025
1.2	16/10/2023	Simon Hobbs	n/a	16/10/2024
1.1	12/10/2022	Simon Hobbs	n/a	12/10/2023
1	13/10/2021	Simon Hobbs	n/a	11/10/2022