



# Independent Training & Education Consultants

## Whistle Blowing Policy

Last Reviewed: May 2021

By:

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Signed by:

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## Policy Statement

The aim of this policy is to provide a mechanism for reporting and investigating any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for you to do so.

This policy outlines how ITEC will handle concerns of staff at work that may amount to a Public Interest Disclosure under the Public Disclosures Act 1998. This is commonly known as the term 'Whistleblowing'.

This policy will not apply to personal grievances concerning individual terms and conditions of employment or other aspects of the working relationship.

This policy applies to all staff working for ITEC. All staff working for ITEC are responsible for always maintaining the highest standards of conduct and should be familiar with the contents of this policy. Any breach of this policy may cause damage to the reputation and standing of ITEC and the ITEC brand and may result in legal action being taken.

## Organisation of "Whistleblowing"

Whistleblowing is when a worker reports suspected wrongdoing at work, making a **formal** disclosure to someone in authority (an 'appropriate person') that alleges corruption, malpractice, or wrongdoing. In the case of ITEC this disclosure might be based on a colleague's conduct during the course of employment or about ITEC's systems, procedures, custom or practice.

The Chartered Institute of Personnel and Development (CIPD) note that, "Whistleblowing is making a disclosure in the public interest and occurs when a worker raises a concern about danger or illegality that affects others, for example members of the public". When concerns of this nature around suspected malpractice, breaches of regulations or criminal offences arise it can be difficult to know how to deal with them and individuals may not feel an informal route is appropriate.

ITEC will conduct its business honestly and safely and takes a zero-tolerance approach to illegality, breach of regulations or wrongdoing at work. It is important that any fraud, misconduct or wrongdoing by staff, learners or other associated persons working on behalf of ITEC are reported and properly dealt with. ITEC encourage all staff, learners and other associated persons to raise any concerns they may have about the conduct of others in the business or the way in which the business is managed, at the earliest opportunity with a director of ITEC.

ITEC will endeavour to ensure the following **principles** are adopted: -

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work and should be watchful for illegal or unethical conduct and report anything of that nature they become aware of.
- Where 'reasonable belief' of corruption, malpractice or wrongdoing is reported, it will be taken seriously.
- Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual/s that made the disclosure.
- Individuals will not be victimised for raising a matter under this policy, this means that continued employment and opportunities for future promotion or training will not be prejudiced after raising a qualifying concern.
- If misconduct is discovered because of any investigation under this policy disciplinary action will be taken, in addition to any appropriate external measures required by regulators.
- Malicious, false, or vexatious allegations will be treated as a serious disciplinary offence.
- An instruction by any ITEC staff to cover up wrongdoing is itself serious and will be treated as a disciplinary matter. If asked not to raise or pursue a concern (even by a director), staff, associate staff, learners and other associated persons should not agree and report the matter as soon as possible to a director.

There are fundamental differences between grievances and Whistleblowing. Grievances refer to a staff member and their employment terms and conditions and will include matters such as pay and working hours, working conditions or the behaviour of others towards them. These matters should not ordinarily form the basis of a disclosure under the Whistleblowing procedure, but this cannot be ruled out entirely where the grievance fits the wider context of Whistleblowing.

The table below sets out some examples of the difference between a grievance and a disclosure under Whistleblowing

Grievance	Whistleblowing
A staff member makes a complaint to the director in writing around changes to the content of their role and the type of work they are being asked to undertake.	A staff member, learner or other associated person has been instructed to carry out actions they genuinely believe to be illegal e.g., to falsify tax records. The staff member, learner or other associated person challenges this request and is instructed to continue this practice.
A staff member speaks to their manager and states they have received insufficient health and safety training.	A staff member, learner or other associated person is instructed to carry out a task routinely that endangers the safety of themselves or others and directly contradicts health and safety legislation. They raise this as a risk; the risk is identified but subsequently ignored.
A staff member raises the subject of the number of hours they have worked for the last month.	A requirement to work excessive hours imposed by ITEC on a group of staff representing a breach of the working time legislation.

In many cases staff, associate, learners or other associated persons may wish to initially seek informal advice prior to a formal disclosure. It is reasonable in this instance to speak to a 'nominated' person to provide advice and who will be skilled in understanding the Whistleblowing process and procedures. In this event it is suggested that individuals should speak to Susan Waters.

Where the individual is not comfortable speaking to Susan Waters and remain unsure whether to use this procedure or to begin Whistleblowing action, then they can obtain independent advice by contacting the charity Protect.

[Protect \(formerly Public Concern at Work\) Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk) Or telephone: 020 3117 2520

Protect will be able to advise individuals whether the disclosure is advisable or whether they feel that other routes to raising concerns would be appropriate.

## Responsibility and Accountability

ITEC Directors are responsible for ensuring that all aspects of this policy are applied appropriately and that their behaviours and activities demonstrate the importance of preventing and eliminating illegality and unethical practices at work.

The directors are responsible for ensuring that people practices including induction, training and the organisation of health and safety reflects the ITEC commitment to Whistleblowing.

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Staff are responsible at all times for their own conduct, behaviour and ensuring they always work legally and ethically.

Staff will appropriately report issues which they 'reasonably believe' may constitute a 'qualifying disclosure' in an appropriate manner to a director of ITEC, ensuring that they engage suitably, fairly and honestly in any investigation procedures that take place.

Upon receipt of a disclosure, a meeting will be held with Susan Waters and the individual making the disclosure. The meeting will be of an exploratory nature depending on the nature of the concern and the whistle-blower can be accompanied should they wish. At the meeting the whistle-blower will have the opportunity to detail the reasons for their disclosure and will use the meeting to share concerns and share any supporting facts with Susan Waters.

An investigation into the disclosure will then be undertaken (either by Susan Waters or by an appointed investigating officer). The investigation may involve the whistle-blower and other individuals providing written statements and supporting evidence.

Upon completion of the investigation the investigating officer will report to Susan Waters who will consider all the information presented and then determine whether any further action is required including reporting the matter to any appropriate government department or regulatory agency.

If it is decided not to proceed with the matter, the decision will be explained with as much detail as necessary to the whistle-blower.

It is hoped that this policy provides staff, learners and other associated persons with the assurance they need to raise Whistleblowing issues with ITEC internally. However, we accept that there may be circumstances where staff, learners and other associated persons may feel it is appropriate to make the disclosure to an external body. This is known as a 'Public Disclosure.'

An external body may be non-regulatory, such as an MP or the police, or alternatively may be regulated, in which case, the disclosure can be made to 'prescribed' persons, should the malpractice fall within that body's regulatory remit. These can include (but are not limited to): -

- HM Revenue and Customs
- The Health and Safety Executive
- The Commissioners of Customs and Excise
- The Environment Agency
- The Charity Commission
- The Information Commissioner's Office
- The Financial Conduct Authority
- The Serious Fraud Office

The disclosure will be protected in the same way as a disclosure made internally if it meets the same satisfying conditions.

It is advisable to seek independent advice before making a disclosure, advice is available by contacting the charity **Protect on 020 3117 2520** they will be able to advise individuals whether the disclosure to an outside body is appropriate and how that contact is made.

In the event of an external disclosure, the relevant regulatory or non-regulatory body will carry out investigations (alongside ITEC directors) in line with the procedures and processes laid out by them.

ITEC will not accept instances of staff, learners or other associated persons making disclosures for the purposes of harming individuals, the reputation of ITEC, its partners and its services.

A whistle-blower may be subject to disciplinary action (depending on employment status), up to and including dismissal if they:

- Make an allegation of a malicious or vexatious nature.
- Make an allegation without having reasonable grounds for believing it to be substantially true.
- Collect any information to support the allegations improperly.

In some cases, individuals may be subject to criminal investigation where illegality has occurred when making vexatious or malicious disclosures. Where a whistle-blower is proven to have made an allegation of a malicious or vexatious nature, they are unlikely to be protected as a whistle-blower and in some instances may be subject to criminal investigation.

Unauthorised statements to the media by any staff, associate staff, learner or learner associated with ITEC are never an accepted form of Whistleblowing.

If any staff, learner, or other associated person makes any unauthorised statement to the media, it will be treated as serious misconduct and in the case of a member of staff may be subject to disciplinary action, up to and including dismissal.

ITEC will strive to take all practical steps to prevent discrimination during the implementation of this policy and will monitor the conduct of actions taken within this policy to identify any inequality in line with our Equality, Diversity and Inclusion Policy.

Documents and Policies associated with this Policy.

Document	Number
Equality, Diversity and Inclusion Policy	ITEC.Policy.10
Complaints Policy	ITEC.Policy.20

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