



# Whistleblowing Policy

## October 2018

Policy Group: 1  
Policy Number: 1.9  
Policy Title: Whistleblowing Policy  
Author: Gail Crossman  
Date and current version: October 2018  
Review Date: October 2019  
Approved by: Gavin Higgins

This document is issued and controlled by the Director of Performance and Development and can only be modified after proposed modifications have been accepted by the Company Directors.

The latest version will be maintained on the companyS: Drive under Policies and Procedures

## Policy Statement

Learning Curve Group is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is having a mechanism to enable staff and other members of Learning Curve Group (LCG) to voice concerns in 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 affair.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organization 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 1998** gives legal protection to employees against being dismissed or penalized by their employer because of reporting certain serious concerns. LCG has endorsed the provision set out below to ensure that no member(s) of staff should feel at a disadvantage as a result of raising legitimate concerns.

It should be emphasized 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.

## Scope

This policy aims to offer guidance to facilities and support stakeholder including learners, employees, associate staff and partners to safely raise a complaint or concern.

The 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 and Safety or the environment
- Criminal activity
- Improper conduct or unethical behavior

The policy is designed to offer guidance to those who disclose such concerns. When making a disclosure individual must ensure:

1. It is made in good faith. If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against the individual.
2. Reasonably believe malpractice or impropriety is evident. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.
3. If an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual. It is important to note that no protection from internal disciplinary procedures is offered to those who choose

not to use the whistle blowing procedure. In an extreme case, malicious or wild allegations could give rise to legal action by of the person complained about.

4. Disclosure is delivered confidentiality and in a sensitive manner, by following the process described in this policy. The identity of the individual making the allegation may be kept confidential, so long as it does not hinder any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.
5. The disclosure is made in writing, even if the initial contact is by telephone. If you are worried about doing this, we would prefer you to provide an anonymous disclosure to us, rather than not raise a concern about a malpractice at all. We may need to disclose your identity where we are required to do so, for example, by law, but we take the issue of maintaining the confidentiality of whistleblowers seriously and we will protect your identity as far as possible.

### **How to raise a concern**

These guidelines should be followed when reporting a concern.

#### **Stage One – Raising your initial concern**

If you witness or suspect there is some wrongdoing or malpractice taking place or about to take place, it is important to keep calm and discuss the issue informally with your line manager. They will help you think about what has happened and help you decide if there is a genuine problem.

If it is not appropriate to raise concerns with your line manager, then the matter should be raised with a member of the Executive Team. Your initial concern should be raised as soon as possible and submitted using the LCG Whistle Blowing Report Form. The aim of this early informal discussion is to promote prompt resolution. At this stage the Executive team member will ask the whistle-blower for his/her preferred means of communication and contact details and use these for all communications with the Whistle-blower to preserve confidentiality.

If the issue is resolved at this stage, no further action is required.

#### **Stage Two – Formal Exploratory Meeting**

If the concern/issue cannot be resolved locally, a formal exploratory meeting must be arranged by the Director of People. The meeting will be held with the Director of People and if necessary relevant investigating personnel. The concern will be explored and discussed fully. This meeting should be documented and a “Whistle Blowing Report Form” completed.

The exploratory meeting may decide:

- There is no case to answer and further action is not justified – the reason for this decision must be made clear to you
- The matter could be resolved through mediation – if you happy with this, the other party will be informed, and discussions will take place.
- An investigation maybe necessary, which may lead to a discipline process and hearing.

Any employees invoking the whistleblowing policy will be assured of a fair and impartial investigations and will be supported throughout the process. Learning Curve Group will maintain a whistleblowing policy in line with relevant legislation and good practice.

### **Stage Three – Whistle Blowing**

If your concern / complaint has not been resolved at either stage one or two of this policy or if your concern requires immediate escalation to stage three, you need to complete a “Whistle Blowing Reports Form”. The form must be e-mailed or posted to the Chief Financial Officer (CFO) OR THE Chief Executive Officer (CEO) who will decide on the appropriate action.

Within **10 working days** of receiving a stage three concern, the CFO or CEO will write to the discloser to:

- Acknowledge that the concern has been received
- Indicate how long it has been dealt with
- Give an estimate of how long it will take to provide a final response
- Explain whether any initial enquiries have been made
- Explain whether further investigations are to take place

If the allegation relates to fraud, potential fraud or other financial irregularity the CEO will be informed within 5 working days of receipt of the allegation. The CEO will determine whether the allegation should be investigated and the method of investigation.

If the allegation concerns suspected harm to children, the appropriate authorities will be informed immediately. If the issue is around suspected harm to vulnerable adults or young people in the Safeguarding Policy should be referred to.

If the allegation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome they will be provided with the details of the Chair of the Board should further escalation be required.

LCG recognizes the lawful rights of individuals to make disclosures to prescribed persons or bodies. A full list of prescribed bodies can be found on the Government Website [www.gov.uk](http://www.gov.uk)

### **Supporting Documentation**

Annex A	Whistleblowing Flowchart
Annex B	LCG Whistle Blowing Report Form
Policy 1.3	Anti Bullying and Harassment Policy
Policy 6.2	Anti Bribery Policy
Policy 6.3	Fraud Prevention Policy
Policy 2.10	Safeguarding Policy

**Annex A – Whistleblowing Flow Chart**

