WHISTLEBLOWING POLICY AND PROCEDURE

"WHISTLEBLOWING" POLICY AND PROCEDURE
(Making a Disclosure in the Public Interest)

1 Policy Statement

1.1 Skills Group is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a 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 affairs.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation 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, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

The Company has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised 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 been addressed under harassment, complaint, disciplinary or other procedures.

Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Company.

2 Scope

2.1 This policy is designed to enable employees of the Company to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety.

2.2 This 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, impropriety or fraud
- Failure to comply with a legal obligation or statutes
- Dangers to Health and Safety or the environment
- A miscarriage of justice
- Malpractice or maladministration in relation to examinations or assessments or the reporting of incidents.
- A criminal offence being committed
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

3 Safeguards

3.1 Protection

This policy is designed to offer protection to those employees of the Company who disclose such concerns, provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure, that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

3.2 Confidentiality

The Company will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate 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 or come forward as a witness as part of the evidence required. The individual will be informed, before any further action is taken, if it becomes clear that maintaining confidentiality will be difficult.

3.3 Anonymous Allegations

This policy encourages employees to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

3.4 Untrue Allegations

If an employee makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure, the employee should exercise due care to ensure the accuracy of the information.

If, however, an employee makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

4 Reporting a Concern

4.1 Employees are encouraged to discuss their concerns, in the first instance, with their Line Manager or another Senior Manager. The whistleblowing procedure should not be used to bypass the line management chain unless there is a legitimate reason to do so.

4.2 If the employee does not feel it appropriate to report their concern to any of the above, or they do not feel that their concerns have been properly addressed, they should make a report under the whistleblowing procedure by contacting the Nominated Officer.
In the case of this Procedure, the **Nominated Officer is any Senior Manager/Director**

4.3 It is not appropriate to report concerns about personal treatment, including harassment, bullying and discrimination using the whistleblowing procedure.

4.4 Information which should be provided when reporting a concern:

- The background and history of the concern
- Any relevant dates
- The reasons why the employee is concerned about the situation

4.5 The Nominated Officer will:

- Provide the employee with support and advice relating to their concern from outside of their management chain
- Help the employee consider whether the issues they have raised, falls under the Whistleblowing Policy and Procedure
- Advise the employee of the appropriate channels available for raising their concern
- Consider whether the employee has reasonable grounds for believing that wrongdoing has taken place or that the employee has a genuine issue of conscience over some aspect of their work and that they are acting in good faith
- Consider whether the matter raised is actually or potentially a criminal matter and should be reported to the police or other enforcement agency
- Consider whether the concern is outside the scope of the Whistleblowing Policy and Procedure, because it is linked to a personal plea or grievance for which a specific internal process is available (which may, or may not have been exhausted)
- Consider what the next steps should be

5 Dealing with Concerns

5.1 Step One

Based on the outcome of their initial enquiries, the Nominated Officer will advise the employee how their concern should be taken forward, providing a range of options. These may include talking to the employee's Line Manager or a Senior Manager.

Dealing with the concern may require an internal inquiry or formal investigation. However, some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any investigation is conducted.

5.1.1 Investigations

The employee must be told who the investigator is and how to contact them. They will also be kept informed of the progress of the investigation. In some cases, it may be necessary for an investigation to be carried out by an external organisation.

5.1.2 Timescales

Due to the varied nature of complaints, which may involve internal investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant. All responses to the complainant should be in writing and sent to their home address.

5.1.3 The investigator will:

- Contact the parties involved to establish the facts
- Submit their findings to the person chosen to decide what action should be taken
- Aim to complete the investigation within one working month, subject to other work pressures and the availability of those involved
- If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded

5.1.4 In the case of this Policy and Procedure the findings will be reported to the **Managing Director**

5.15 It may be necessary for the Investigating Officer or Nominated Officer to meet with the employee to get more information about their concern. The employee will have the option of the meeting being held away from their workplace. They can be accompanied by a trade union representative or workplace colleague.

5.1.2 **Outcome of the Investigation**
Wherever possible, the investigator will provide the employee with feedback on the outcomes of the investigation so that they can be satisfied that their concerns have been properly addressed. However, in some circumstances this may not be possible, due to legal constraints or the duty of confidentiality to other parties involved.

5.2 **Step Two**
After step one has been completed, if the employee does not believe that their concern has been satisfactorily resolved, the employee may submit their concerns in writing to the Managing Director or Chairman of the Board of Directors. This should be done as soon as reasonably possible and no later than ten working days, after step one has been concluded.

5.3 If the employee believes that they have still not received a reasonable response to their initial concern, after following steps one and two, they may refer the matter, in writing, to any relevant agencies.

Document Control

This policy will be reviewed every 3 years or earlier if deemed necessary

Date Last Reviewed: March 2025

Date to be Reviewed: March 2028

Authorised By

Signed



Mark Boulting
Director