

## **WHISTLE BLOWING POLICY (GDPR)**

Policy last updated: August 2020

Review date: August 2021

### **INTRODUCTION**

This policy applies to all employees of North Lancs Training Group. Other individuals performing functions in relation to the company, such as agency employees and contractors, are encouraged to use it.

It is important to NLTG that any fraud, misconduct or wrongdoing by employees or employees of the company is reported and properly dealt with. NLTG therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### **SCOPE OF THE POLICY**

This policy has been developed for NLTG employees, parents, learners etc. to bring to the attention any concerns internally and at a high level and to disclose information which the individual believes shows malpractice within the meaning of a disclosure which is described below.

It is also intended to enable staff, learners etc., to share safeguarding concerns, in confidence with NLTG's designated safeguarding personnel, concerns they may have about a colleague or another learner's behaviour. This may be behaviour linked to abuse, radicalisation or behaviour that has gone beyond acceptable professional limits.

If this is consistently ignored, a culture may develop within the company whereby staff and young people are 'silenced'.

Where a member of staff feels unable to raise an issue with NLTG or feels that their genuine concerns are not being addressed in relation to Safeguarding practices within NLTG; other whistleblowing channels may be open to them. i.e. NSPCC helpline 0800 028 0285 (8 am - 8 pm Mon – Fri) [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or HSE in regards to Health and Safety.

Other than any safeguarding issue, all disclosures should be directed to their Line Manger or, if it involves the Line Manager, to the Operations Director / Managing Director.

The policy is not intended to be used where other more appropriate procedures are available, for example the grievance procedure, where an individual is aggrieved about their own personal position or contractual issues. It is purely intended to raise concerns where the interest of others or the company itself is at risk.

## Who is covered by The Public Interest Disclosure Act?

'Employees' are covered, but also contractors providing services, most agency employees, home employees, trainees on vocational and work experience schemes and learners being funded by the Education Funding Agency / Skills Funding Agency through training providers.

'Employees' are also covered and are defined as 'those working under a contract of employment or any other contract whereby the individual undertakes to do or perform personally any work or services for another party who is not a client or customer of any business or profession carried on by the individual'.

## What protection does the Act give?

The law provides protection for employees / employees who raise a legitimate concern about specified matters. They are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence including radicalisation
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- An act to breach NLTG's code of conduct on safeguarding/child protection has not or is not being observed or is being breached by a member of staff
- Any form of serious improper action or conduct is taking place
- A breach of any legal obligation; or
- Concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the companies' responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

NLTG encourages employees to raise their concerns under this procedure in the first instance. If a employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager / a member of the senior management team or the HR Department.

## Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the company's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the Operations Director / Managing Director immediately.

The whistleblowing procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use NLTG's grievance procedure.

### **Reasons for whistle blowing:**

Each individual has a responsibility for raising concerns about unacceptable practice or behaviour

- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

What stops people from whistle blowing?

- Starting a chain of events that spirals
- Disrupting work or any ongoing process
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

### **Protected Disclosures:**

A qualifying disclosure will become a 'protected disclosure' which is protected under the Act, if it is made in one of six specific circumstances under PIDA: These circumstances are categorised as:

- Disclosure to employer
- Disclosure to a legal advisor
- Disclosure to a government minister, where the employee's employer is appointed by a minister
- A disclosure to an individual unconnected with the organisation (external disclosures) e.g. police or media
- A disclosure in exceptionally serious cases
- Disclosure to a prescribed person\*

\*Prescribed persons are a list of more than 30 Regulatory bodies to whom disclosures can be made some of which include:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Office for Police Conduct; and
- the Serious Fraud Office.

## **PROCEDURE FOR REPORTING WITHIN NLTG**

Making a disclosure – initial action

a) Any individual who wishes to raise a concern over malpractice within NLTG is requested to raise the concern with their Line Manager, or in the case of a safeguarding concern, with NLTG Designated person for Safeguarding. In the case of the concern against any of the Managers or designated person, they must raise the concern with the next senior level of management unless the matter relates to a member of staff and a safeguarding concern in which case it must be reported to the SOFA – Senior Office for Allegations/Managing Director. The person to whom a concern is raised with will then become the investigating officer, unless circumstances dictate otherwise.

b) You should raise your concern in writing and should include full details and, if possible, supporting evidence. You must state that you are using the Whistle Blowing Policy and specify whether you wish your identity to be kept confidential.

c) Once a disclosure is made, the person who made the disclosure will be informed of the name of the investigating officers and how they can be contacted.

d) The investigating officer will also inform the person or persons to whom the allegation is made against. This will normally be done within ten working days. However, this may be delayed if it is likely to jeopardise the investigation.

### **Handling a disclosure**

a) The investigating officer will be responsible for deciding whether there are grounds for proceeding further with the case, after clarification of the facts. It will also be decided if the matter should be dealt with under the Whistle Blowing Policy or advising that the matter should be dealt with under another NLTG policy i.e. grievance, safeguarding etc.

b) If it is decided that it will be investigated under the Whistle Blowing Policy, within two weeks of the concern being raised, the investigating manager will write to both parties:

- indicating how NLTG propose to deal with the matter and where an internal investigation is to take place, giving an estimate of how long it will take to provide a full response

- indicating whether more investigations are to take place and if not, why not

c) Any internal investigation should take no longer than one month to complete from the date of the original disclosure. As part of the investigation, the investigating officer will decide:

- Whether disciplinary action is to be taken against the employee
- Whether changes should be recommended to the NLTG whistle blowing procedure
- Whether any other action should be recommended

d) The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

NOTE If the disclosure relates to Safeguarding (including radicalisation) arrangements and timescales for reporting must be as detailed in NL1500

### **Appeal**

Any individual who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to another Senior Manager/Director who has not been involved with the case. An appeal should be made within five working days on receipt of the outcome. If the outcome of the original hearing was made by the Managing Director, then any appeals should be raised with the NLTG Chairman.

If on conclusion of the appeal the employee still reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. Examples of which are listed above.

### **Data protection**

When an individual makes a disclosure, NLTG will process any personal data collected in accordance with its [data protection policy](#). Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.



Signed: —  
**GARETH LINDSAY**  
NLTG Managing Director