

Davidson Training UK Ltd

Whistleblowing Policy

Policy Document

Whistle Blowing Policy

Introduction

The Company 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 in effect in 1998, 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 already 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.

Scope of Policy

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.

Employees of Davidson Training are expected to conduct business with the highest standards of integrity and honesty. Employees are therefore encouraged to report any wrongdoing that falls short of these business principles. This policy enables employees to raise concerns about the conduct of other staff, or of management, in a confidential manner.

Whistle blowing is a specific means of disclosure of information made by an individual where the individual reasonably believes that one or more of the following is happening now, took place previously, or is likely to happen in the future:

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- danger to health and safety
- damage to the environment
- a deliberate concealment of information tending to show any of the above

This policy applies to everyone who works for Davidson Training. It does not apply to learners as they are covered by the complaints procedure. It does not form part of contracts of employment and may be amended at any time.

Davidson Training has adopted this whistle blowing policy to:

- Provide a channel and a process for individual employees to raise concerns about any suspected wrongdoing they believe is occurring, has occurred or is likely to occur at work.
- Make serious malpractice less likely to occur (and therefore reduce the risk of public criticism and the need for crisis management)
- Promote accountability throughout the organisation.
- Reassure staff that they can raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

Employees may not always feel comfortable about discussing their concerns, especially if they believe that a member of management is responsible for the wrongdoing. The aim of this policy is to ensure that employees are confident that they can raise any matter in the knowledge that it will be taken seriously, treated as confidential (as

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far as is possible) and that no action will be taken against them unless the allegations are made maliciously. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

This policy should not be used by members of staff who are unhappy about their own individual employment circumstances or how they have been treated at work. They should use the Grievance Procedure.

If employees are unsure whether they should raise an issue under this policy, or they need advice about how to go about it, free confidential advice is available from Public Concern at Work. This is a charity that promotes good practice and compliance with the law and they can be contacted by phone on 020 7404 6609 or by email at helpline@pcaw.co.uk

Confidentiality

The policy encourages individuals to give their names when making allegations. Anonymous concerns can be much less powerful but will be considered at the discretion of Management. In exercising this discretion the factors to be taken into account would include:

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

All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal an individual's identity if they so wish. However, some concerns may ultimately lead to further action that requires the individual to act as a witness or provide evidence. If there is evidence of criminal activity, the Police will in all cases be informed.

Individuals are encouraged to express their concern in writing wherever possible but, in the interests of confidentiality, it may sometimes be appropriate for concerns to be raised verbally.

Procedure

Reporting a concern ('disclosure')

In the first instance the individual should raise the issue with their line manager. They should not approach or accuse people directly or attempt to investigate the matter. Line managers may be able to agree a way of resolving the concern quickly and effectively. In some cases the line manager may refer the matter to a member of Management.

However, where the matter is more serious, or the individual feels that the line manager has not addressed the concern, or the individual prefers not to raise it with them for any reason, they should contact any member of Management.

An individual making a disclosure may invite their trade union representative to raise the matter on their behalf.

Investigation and outcome:

The person receiving the disclosure will acknowledge receipt in writing and provide an intended timetable for the investigation. They may ask another person to undertake the investigation.

The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

At any stage, the individual making the disclosure, or the person the disclosure is about, may be accompanied by a work colleague (who is not involved in the area of work to which the concern relates). Any companions must respect the confidentiality of the disclosure and any investigation.

The investigator will report their findings to the person who received the disclosure, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority such as the police, for further investigation.

At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.

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Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution. 3.2.7. An official record will be kept of each stage of the procedure.

- The person deciding on the issues will report on the disclosure and subsequent actions taken
- This record should be signed by the Investigating Officer and the person who made the disclosure.
- Where appropriate, the formal record need not identify the person making the disclosure, but in such cases that person will be required to sign a document confirming that the complaint has been investigated.

Such reports will be kept for 6 years by the Clerk to the Corporation.

External Bodies

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator (e.g. the Education Skills Funding Agency or any successor body or Local Authority). We strongly encourage staff to seek advice from Public Concern at

Whistle blowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows individuals to raise a concern in good faith with a third party, where they reasonably believe it relates mainly to the third party's actions or something that is legally their responsibility. However, we encourage staff to report such concerns internally first. Staff should contact their line manager, or one of the other individuals set out above, for guidance.

It will very rarely, if ever, be appropriate to alert the media.

Malicious Accusations

If it becomes clear that the whistle blowing procedure has not been invoked in good faith (for example for malicious reasons, for personal gain or to pursue a personal grudge against another individual) this will constitute misconduct and will be dealt with in accordance with the terms of the organisations Disciplinary Policy and Procedure.

Protection from Reprisal or Victimisation

No individual will be disciplined, or suffer a detriment, for raising a genuine and legitimate concern, providing they do so in good faith and they follow these procedures.

In the event that the individual believes they are being subjected to reprisal or victimisation as a result of their decision to invoke the procedure they must inform the Managing Director or another member of the Management Team immediately. Appropriate action will be taken to protect them from any reprisals