



Educ8 Training Group of Companies

Whistleblowing Policy and Procedure

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1. Introduction

Educ8 Training Group ("**ETG**") is one of the largest independent training providers in England and Wales. All companies within the ETG group uphold the same company Vision, Mission and Core Values and follow our group policies and procedures.

At the date of this policy these companies are:

- Educ8 Training Group Limited, registered number 10865705.
- Haddon Training Limited, registered number 04773490.
- Aspire and Learn Ltd, registered number 08784755.
- Educ8 Ltd, registered number 05059754.

Any reference to "ETG" throughout this policy includes all the companies named above.

For the purpose of this policy the reference to "**Funding Bodies**" includes the Welsh Government, DfE/Education Skills Funding Agency (ESFA), and local authorities.

The Financial Memorandum between the Funding Bodies and ETG sets out the terms and conditions on which the funding allocations are made. ETG is responsible for ensuring that conditions of the allocations are met. As part of this process ETG must adhere to the audit code of practice of Funding Bodies, which requires them to have sound systems of financial and management control. The ETG Whistleblowing Policy forms part of this overall system of accountability.

2. Purpose:

The ETG has built a reputation within the local community and the wider business environment in Wales and England for the ethical, honest and principled manner in which operational activities are undertaken. The protection of this reputation is integral to the continued success of the business.

Employees may, in properly carrying out their duties, have access to, or encounter, information of a confidential nature. Their terms and conditions of employment provide that except in the proper performance of their duties, employees are forbidden from disclosing, or making use of, in any form whatsoever, such confidential information.

However, the law allows employees to make a 'protected disclosure' of certain information. To be 'protected', a disclosure must relate to a specific subject matter (Section 5 below) and the disclosure must also be made in an appropriate way (Section 7 below). Whistleblowing protection is confined to a disclosure which, in the reasonable belief of the employee making the disclosure, is made in the public interest.

This policy aims to:

- Give confidence to ETG employees and learners about raising concerns regards conduct which could potentially be acts of harassment, illegal, corrupt, unsafe or unethical or which amounts to a criminal offence, breach of legal or professional duties, malpractice or maladministration
- Offer assurance that ETG employees are protected from victimisation for whistleblowing action undertaken in good faith and within the meaning of Public Information Disclosure Act (1998).

3. Scope of Policy:

This policy covers all the activities of the ETG and its sub-contractors and applies to all managers and employees, learners, associates and sub-contractors of the ETG.

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This policy cannot be viewed in isolation and must be read in conjunction with the following group policies and strategies and regulatory guidance:

- Anti-Bribery Policy
- Charitable Donations and Fundraising
- Complaints Policy and Procedure
- Equality, Diversity and Inclusion Policy
- Freedom of Speech / Expression
- Health and Safety Policy and Procedure
- Invigilation Policy and Procedure
- Malpractice and Maladministration
- Prevent Policy
- Safeguarding Policy and Procedure
- Teaching and Learning Strategy
- Disciplinary Procedures
- Professional Conduct Policy
- Harassment and Bullying at Work

4. Impact on stakeholders, learners and employees:

The implementation of this policy will ensure that all ETG employees, learners and other stakeholders are able to raise concerns related to their business dealing with the ETG, learning programs and ETG employees' contracts of employment in a safe environment.

5. Definitions:

5.1 Whistleblowing:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997).

Whistleblowing may relate to the following alleged actions:

- Unlawful conduct
- Failure to comply with a statutory or legal obligation
- Potential maladministration, misconduct or malpractice
- Health and safety issues
- Unauthorised use of funds
- Fraud, bribery or corruption
- Harassment of a colleague, customer or other individual
- Damage to the environment
- The committing of a criminal offence
- Any breach of legal or professional obligations
- Allegations in relation to safeguarding or child protection issues
- Racist incidents or acts, or racial harassment
- Any attempt to prevent disclosures being made
- Any actions which could fall within the organisation's Prevent duties in relation to extremism,
- radicalisation and terrorism
- deliberate concealment of any of the above

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5.2 Public Interest Disclosure Act (1998) (PIDA):

Under the Public Interest Disclosure Act 1998 (PIDA), a 'protected disclosure' of information is one in which, in the reasonable belief of the employee or learner making the disclosure, one or more of the following are alleged:

- 5.2.1 That a criminal offence has been committed, is being committed or is likely to be committed
- 5.2.2 That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- 5.2.3 That a miscarriage of justice has occurred, is occurring or is likely to occur
- 5.2.4 That the health or safety of any individual has been, is being or is likely to be endangered
- 5.2.5 That the environment has been, is being or is likely to be damaged
- 5.2.6 That information tending to show any matter falling within any one of the preceding has been, is being or is likely to be deliberately concealed.

6. Legal and Regulatory Frameworks:

The ETG will comply fully with all related legislation and sector regulations which include, but are not be limited to:

- Data Protection Act (2018)
- Employment Rights Act 1996
- Education Workforce Council *Fitness to Practice - Guidance for employers and agents: the responsibility to refer*
- Public Interest Disclosure Act 1998 (PIDA)

7. Implementation:

Where a disclosure is made, companies within the ETG and their sub-contractors will not tolerate harassment or victimisation of their employees or learners.

Any employee within the ETG who is found to have victimised or harassed another employee or learner as a result of their having raised a concern in accordance with the procedure outlined below, will be dealt with under the ETG's disciplinary procedures or in discussion with the learner's employer as appropriate.

The ETG and its sub-contractors recognise that their employees and learners may want to raise concerns in confidence. Where possible the identity of those raising a concern will be protected. However, investigation into a concern may be required which may reveal the source of statements and other documentary evidence.

Should an ETG employee make a malicious and / or vexatious allegation for personal gain, the organisation will consider taking disciplinary action.

Allegations concerning safeguarding or child protection issues must be raised in line with the ETG Safeguarding Policy and Procedure. However, where disclosures are raised within the definition of a 'protected disclosure', this Whistleblowing Policy will be applied and procedure followed in conjunction.

Actions to Be Taken By the Learner

All whistleblowing concerns made by learners must be raised in writing following the ETG Complaints Policy and Procedure.

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Learners who have concerns which relate to their own workplace should follow their own internal whistleblowing policy and procedure in line with their employer's own policies and procedures.

Actions to Be Taken By the ETG Employee

If an individual knows or suspects that some wrongdoing is occurring within the ETG, they should raise the matter immediately with their line manager. However, where an individual prefers not to raise it with their line manager for any reason, they should contact a Senior Manager.

The ETG will arrange a meeting with the individual as soon as possible to discuss their concern.

Action to Be Taken By the Manager/Senior Manager

Any manager who is informed by an individual of potential wrongdoing will take immediate action to investigate the situation.

The individual who has raised the issue will be kept informed of any investigation that is taking place. The individual will also be informed of the outcome of the investigation. It might not always be appropriate to tell the individual the detail of any action that is taken, but the individual will be informed if action is taken.

Confidentiality

The intention is that ETG employees will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If an individual wants to raise a concern confidentially, the ETG will make every effort to keep their identity secret and only reveal it where necessary to those involved in investigating the concern.

Alerting Outside Bodies to a Potential Wrongdoing

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

An individual should always, in the first instance, talk to a manager in the ETG about a potential wrongdoing.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. You should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a relevant body
- have a reasonable belief it is in the public interest to make the disclosure

If the whistleblower is not satisfied with the response from ETG, they may escalate their concern and complain or make a disclosure about a post-16 education or a training provider to:

The following links are available to help and support employees:

For DfE/ESFA.

esfa@education.gov.uk

In terms of maintaining live updated information to DfE/ESFA the following link shows how the ESFA handles complaints/whistleblowing, etc.

<https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>

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The DfE/ESFA also has a customer portal at this link:

<https://customerhelpportal.education.gov.uk>

or send a letter to: Customer Service Team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry CV1 2WT.

GOV.UK website

[Whistleblowing for employees: What is a whistleblower - GOV.UK](#)

For Welsh Government Work Based Learning

whistleblowing@assembly.wales

A "relevant body" is likely to be a regulatory body (e.g. the Health and Safety Executive, or the Financial Services Authority).

Public Concern at Work operates a confidential helpline. Their contact details are at the end of this policy.

Contacting the Media

The media is not a relevant external body. Individuals should not contact the media with allegations about the ETG, except in extraordinary circumstances where neither the ETG nor the relevant regulatory body would be appropriate.

Protection Against Detriment

The ETG aims to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Any individual who takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimisation by the ETG or by colleagues.

If the individual does not follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. ETG employees who disclose information in an inappropriate way (e.g. contacting the media) or making false allegations maliciously or with a view to personal gain could result in disciplinary action being taken against the individual, which could include dismissal.

Individuals must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct, you may be subject to disciplinary action. If an individual believes that they have suffered any detrimental treatment, they should raise it under the ETG Grievance Procedure.

Public Concern at Work Protect Independent whistleblowing charity	Helpline: 0203 177 2520
	E-mail: whistle@pcaw.co.uk
	Website: www.protect-advice.org.uk

8. Responsibilities:

8.1 Board of Directors:

- Ensuring ETG and its sub-contractors fully meet legal requirements.
- Ensuring this policy and procedure meets the requirements of relevant legislation and

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regulations.

- Ensuring effective implementation and monitoring of policy.
- Ensuring the policy is continuously reviewed and disseminated to all employees.

8.2 Senior Management Team:

8.2.1 Ensuring all aims and procedures of this policy are effectively followed

8.2.2 Ensuring all employees and learners are made aware of their responsibilities to raise concerns as outlined in this policy

8.3 Staff:

8.3.1 Remaining vigilant in the protection of the integrity of the learning programmes provided by ETG and its member organisations,

8.3.2 Remaining vigilant in the protection of the reputation of the ETG and its sub-contractors.

9. Communication:

This policy and any updates will be disseminated to all ETG and sub-contractors through team meetings. All new employees will be advised of this policy as part of initial induction.

All learners will be advised of this policy as part of the learning program induction process.

This policy is available bilingually on the ETG website and may be provided in large print on request.

10. Monitoring and Review Processes:

This policy will be routinely reviewed on a bi-annual basis and where there are changes to regulatory requirements. Reviews will be validated by the SMT and forwarded to the Board for approval.

11. Complaints:

All complaints will be taken seriously and dealt with in a timely and sensitive manner, in accordance with the ETG Complaints Policy and Procedure.