

# **WHISTLE- BLOWING POLICY**

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| <b>Approved by:</b>         | <b>Board of Directors</b> |
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## 1. Introduction

Elite Pathways is committed to operating in accordance with its values. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Elite Pathways encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns about malpractice in connection with the organisation.

## 2. Scope

This policy and procedure also aim's to encourage staff members to raise genuine concerns through internal procedures without fear of adverse repercussions being taken against them. The law allows staff members to raise such concerns externally and this policy informs staff members how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

This policy and procedure also seek's to balance the need to allow a culture of openness with the need to protect other staff members against vexatious allegations or allegations which are not well-founded.

The principles of openness and accountability, which underpin legislation protecting whistleblowers are reflected in this policy and procedure. Elite Pathways is also committed to ensuring compliance with the Bribery Act 2010.

Elite Pathways students are also encouraged to raise genuine concerns about suspected wrongdoing using the complaints procedure. This policy and procedure is designed for the use of staff members of Elite Pathways.

## 3. What is Whistleblowing?

Whistleblowing is when a report is made about a suspected wrongdoing, which is in the public interest. This is referred to as making a disclosure in the public interest. A whistleblower is someone who raises serious concern about wrongdoing or malpractice so that problems can be identified and resolved quickly.

Staff members are encouraged to report malpractice (by other employees). The person making the disclosure must have a reasonable belief that it is in the "public interest" for protection to apply.

## 4. Applicability of this Policy and Procedure

Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the organisation's grievance procedure. Any staff member in this situation is encouraged to contact a member of the Human Resources team in confidence for advice

## 5. Protected Disclosures

Under the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 the disclosure of confidential information in the public interest is a lawful act and a member of staff cannot be dismissed, disciplined or unfavourably treated provided:

- the procedure has been followed;
- the employee has acted in the public interest and not for personal gain or out of personal motives;

Under no circumstances should staff members or members of the organisation talk to the media or to any other person or body without first exhausting the proper procedure.

## 6. Specific Subject Matter

If, in the course of employment, a staff member becomes aware of information, which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

Complaints about disputes/dissatisfaction in employment should be dealt with under the organisation's grievance procedure. For instance, complaints about breaches of employee's own contract of employment should be raised as a grievance.

## 7. Procedure for Making a Disclosure

Information, which a staff member reasonably believes to show one or more of the situations given in Section 6 should be disclosed promptly to their line manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a staff member can raise the issue with the Director of Quality.

If the disclosure relates to a member of the Board of Directors, a staff member can raise the issue with the Director of Quality. In the event that the disclosure relates to the Director of Quality a staff member can raise the issue with the Chairman of the Board of Directors.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, Elite Pathways will not be in a position to notify the individual making the disclosure of the outcome of action taken by Elite Pathways. Anonymity also means that Elite Pathways will have difficulty in undertaking an investigation.

## 7. Procedure for Investigation of a Disclosure

When a staff member makes a disclosure, the recipient will acknowledge its receipt, in writing, normally within 5 working days.

The recipient will then determine whether or not they believe that the disclosure is wholly without substance or merit. If the recipient considers that the disclosure does not have sufficient merit to warrant further action, the staff member will be notified in writing of the reasons for that decision and advised that no further action will be taken by Elite Pathways under this policy and procedure. Considerations to be taken into account when making this determination may include (but is not limited to) the following:

- If the recipient is satisfied that a staff member does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate procedure.

When a staff member makes a disclosure, which has sufficient substance or merit warranting further action, the recipient will take action it deems appropriate (including action under any other applicable policy or procedure). Possible actions could include internal investigation; referral to relevant external bodies such as the police, OFSTED or Health and Safety Executive.

If appropriate, any internal investigation would be conducted by a manager of Elite Pathways without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by Elite Pathways as appropriate.

Any recommendations for further action made as a result of the investigation will be addressed to the Board as appropriate in the circumstances. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The staff member making the disclosure will be notified of the outcome of any action taken by Elite Pathways within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Board within 10 working days.

All communications with the staff member making the disclosure should be in writing and sent to the staff members home address rather than through internal mail. If investigations into the concern are prolonged, the organisation should keep the staff member concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

## 8. Safeguards for Employees Making a Disclosure

A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by Elite Pathways and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure. This does not prevent Elite Pathways from bringing

disciplinary action against a staff member where the organisation has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made without reasonable grounds.

A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Elite Pathways for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by Elite Pathways against the colleague in question.

## **9. Disclosure to External Bodies**

This policy and procedure has been implemented to allow staff members to raise disclosures internally within Elite Pathways. A staff member has the right to make a disclosure outside of the organisation where there are reasonable grounds to do so and in accordance with the law.

Staff members may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on [the GOV.UK website](#).

Staff members can also make disclosures on a confidential basis to a practising solicitor or barrister.