

Work Skills Learning (WSL) Whistleblowing Policy	
Date adopted	February 2016
Review date	February 2017

Background

The Public Interest Disclosure Act (PIDA) 1998 provides protection to "workers" making disclosures in the public interest and allows such individuals to claim compensation for victimisation following such disclosures. Further protection was afforded by The Enterprise and Regulatory Reform Act 2013 (ERRA) which came into force in July 2013.

In order for a "worker" to be provided with protection under the legislation, a "worker" must make a "protected disclosure" to an employer, legal adviser, prescribed person or other appropriate person. The disclosure does not need to be made in "good faith" but under ERRA a whistleblower must demonstrate a reasonable belief that the disclosure is in the public interest. Any disclosures made in "bad faith" can be protected but the amount of any compensation received by the whistleblower (eg, for unfair dismissal etc) may be reduced accordingly.

1. Who this policy applies to

This policy applies to all WSL staff and volunteers.

2. Qualifying disclosure

In order for a matter raised to receive consideration you must:

- (a) make the disclosure in good faith
- (b) reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- (c) not make the disclosure for reasons of personal gain
- (d) believe the relevant concern is of an exceptionally serious nature.

3. How you identify relevant matters of concern

A relevant concern may be something that you consider:

- is unlawful
- is against the WSL's policies and practice
- falls below established standards or practice
- amounts to improper conduct
- involves children or young people or staff being put in danger
- involves funds being embezzled or fraud.

This is not an exhaustive list.

4. How to raise concerns

Who you raise concerns with will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Where you have concerns about malpractice and it is not appropriate to raise them through other procedures, such as grievance procedures, you should raise them with either:

- (a) your line manager, or failing that
- (b) your line manager's manager or
- (c) the Director or failing that
- (d) a statutory body such as OFSTED

5. How the WSL will respond

Where appropriate, the matters raised may be investigated by management, Chief Executive, Internal Audit Investigations Unit or Personnel.

Within ten days of a concern being raised the responsible person will:

- write to the employee to
- acknowledge their complaint
- indicate how they propose to deal with the matter raised
- give an estimate of how long it will take to provide a final response
- provide individuals with information on staff support mechanisms.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment.

The initial investigation should last five working days and will establish whether or not a concern is justified. Further investigations must be completed within six weeks, but extensions will be granted when necessary. The aim of these timescales is to ensure that all cases of whistleblowing are dealt with as soon as possible.

This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

These include:

- conduct which is an offence or a breach of law
- health and safety risks, including risks to the public as well as other employees
- the unauthorised use of public funds
- possible fraud and corruption
- damage to the environment
- abuse of children and young people
- other unethical conduct.

6. Investigating the case

Following an allegation, where appropriate an independent and impartial manager will be involved in the investigation.

Managers will make sure that the investigation is carried out as quickly and as thoroughly as possible. Once an investigation begins, every effort will be made to bring it to an early conclusion.

An investigation may conclude that, potentially, there has been a breach of WSL's Code of Conduct. In these circumstances management would invoke the disciplinary process.

The amount of contact between those considering the allegation and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. WSL will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, WSL will arrange for you to receive advice about the procedure.

WSL accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the progress and outcomes of any investigation.