

TrainPlus Whistleblowing Policy and Procedure

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Policy applicable to	ALL EMPLOYEES and FREELANCE STAFF		
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TrainPlus Whistleblowing Policy and Procedure

1. Introduction

1.1 TrainPlus is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

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

1.3 This policy and procedure also aims to encourage workers to raise genuine concerns through internal TrainPlus procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers 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.

1.4 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.

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

1.6 Learners at TrainPlus are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the student support services. This policy and procedure is designed for the use of workers of TrainPlus.

2. Applicability of this policy and procedure

2.1 This policy applies to all employees of TrainPlus, including apprentices; and

2.2 Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and

2.3 Agency workers engaged by TrainPlus.

2.4 Workers 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 TrainPlus' grievance procedure. Any worker in this situation is encouraged to approach the Director in confidence for advice.

3. Protected disclosures

3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

3.2 The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4. Specific Subject Matter

4.1 If, in the course of employment, a worker 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.

5. Procedure for making a disclosure

5.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to the Director so that any appropriate action can be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with James Chance.

5.3 If the disclosure relates to the Principal and Chief Executive, a worker can raise the issue with ESFA.

5.4 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, TrainPlus will not be in a position to notify the individual making the disclosure of the outcome of action taken by TrainPlus. Anonymity also means that TrainPlus will have difficulty in investigating such a concern. TrainPlus reserves the right

to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure,
- The credibility of the concern,
- How likely it is that the concern can be confirmed from attributable sources.

5.5 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Director.

6. Procedure for investigation of a disclosure

6.1 When a worker makes a disclosure, TrainPlus will acknowledge its receipt, in writing, within a reasonable time. (maximum of 10 working days)

6.2 TrainPlus will then determine whether or not it believes that the disclosure is wholly without substance or merit. If TrainPlus considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for TrainPlus' decision and advised that no further action will be taken by TrainPlus under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If TrainPlus is satisfied that a worker 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.

6.3 When a worker makes a disclosure which has sufficient substance or merit warranting further action, TrainPlus will take action it deems appropriate (including action under any other applicable TrainPlus policy or procedure). Possible actions could include internal investigation; referral to TrainPlus' auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive, ESFA or the Information Commissioner's Office.

6.4 If appropriate, any internal investigation would be conducted by a manager of TrainPlus without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by TrainPlus as appropriate. [Guidance note: Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer to investigate the concern].

6.5 Any recommendations for further action made by TrainPlus will be addressed to the Director of TrainPlus as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

6.6 The worker making the disclosure will be notified of the outcome of any action taken by TrainPlus under this policy and procedure within a reasonable period of time. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Director within 10 working days. The Director will make a final decision on action to be taken and notify the worker making the disclosure.

Whistleblowing: The procedure should encourage the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation. All communications with the worker making the disclosure should be in writing and sent to the worker's home address rather than through TrainPlus' internal mail. If investigations into the concern are prolonged, TrainPlus should keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

7. Safeguards for workers making a disclosure

7.1 A worker making a disclosure under this procedure can expect their matter to be treated confidentially by TrainPlus and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. [Guidance note: For confidentiality purposes, if the worker requests to raise their concern verbally, it would be appropriate for TrainPlus to allow the worker to do so.]

7.2 TrainPlus will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by TrainPlus does not identify the worker making the disclosure without their written consent, or unless TrainPlus is legally obliged to do so, or for the purposes of seeking legal advice.

7.3 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent TrainPlus from bringing disciplinary action against a worker where TrainPlus has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside of TrainPlus without reasonable grounds.

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

8. Disclosure to external bodies

8.1 This policy and procedure has been implemented to allow workers to raise disclosures internally within TrainPlus. A worker has the right to make a disclosure outside of TrainPlus where there are reasonable grounds to do so and in accordance with the law.

8.2 Workers 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.

8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

8.4 If a worker seeks advice outside of TrainPlus, they must be careful not to breach any confidentiality obligations or damage TrainPlus' reputation in so doing.

9. Accountability

9.1 TrainPlus will keep a record of all concerns raised under this policy and procedure (including cases where TrainPlus deems that there is no case to answer and therefore that no action should be taken) and will report to the Director on an annual basis as appropriate.

10. Further assistance for workers

10.1 TrainPlus will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Director.

10.2 A worker making a disclosure may want to confidentially request counselling or other support from TrainPlus' occupational health service. Any such request for counselling or support services should be addressed to the Director. Such a request would be made in confidence.

10.3 Workers can also contact the Acas helpline for confidential advice on whistleblowing issues. Contact details are as follows:

Acas helpline

Telephone: 0300 123 1100

Monday to Friday, 8am to 6pm or online <https://www.acas.org.uk/advice>