



Education & Skills
Funding Agency



European Union
European Social Fund
Investing in jobs and skills

WHISTLE BLOWING POLICY



Issued: November 2017

Whistle Blowing Policy

Terminology

The Term	Will hereinafter refer to...
Directors	The directors of PAAH.
Company Directors	The directors of PAAH Funded Organisations
Personnel	Any personnel of PAAH and/or the funded organisations and partner organisations who are responsible for the delivery or support of PAAH Funded Learners.
Partner Organisations	Employers and work placement providers of PAAH Funded Learners.

Purpose

Statement of Intent

"Absolutely without fail - challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong" (reproduced with acknowledgement to "Sounding the Alarm" – Barnardos)

PAAH is committed to the highest standards of openness, honesty and accountability. It seeks to conduct its affairs in a responsible manner, taking into account the requirements of its funding bodies and the committee on standards in public life for further information, follow the link provided. [Seven Standards in Public Life](http://www.public-standards.gov.uk/About/The_7_Principles.html) (http://www.public-standards.gov.uk/About/The_7_Principles.html)

Reasons for Whistle Blowing

Under The Public Interest Disclosure Act 1988 for further information, follow the links provided.

- [Protection of whistle-blowers: Directgov - Employment](#)
- [DTI - The National Archives - Whistle Blowing Act](#)

PAAH recognises the need to ensure legal protection for personnel against being dismissed or penalised as a result of publicly disclosing certain serious concerns, if they are disclosed under procedures identified in the Act. It is a fundamental term of every contract of employment that all personnel will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information that they believe shows malpractice or wrongdoing within the organisation then this policy should be used to enable the individual to disclose the information without fear or reprisal.

This policy sets out arrangements for individuals to raise serious concerns about malpractice or serious wrongdoing in ways, which will protect them from reprisal. It is intended to meet the requirements of the Act but it goes further in two aspects. Firstly, it extends the list of concerns where a protected disclosure may be made beyond those identified in the Act. Secondly, it extends protection for disclosure beyond personnel to learners and to other partners of the organisation, e.g. employers.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or serious wrongdoing if they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by PAAH nor may it be used to reconsider any matters, which have already been addressed under harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

Scope of Policy

This policy is designed to enable personnel or others associated with PAAH to raise concerns or disclose information at a higher level than the individual believes shows malpractice. A number of policies and procedures are already in place including grievance and complaints, discipline, and anti-bullying and harassment. This policy is intended to cover concerns, which are in the public interest and may (at least initially) be investigated separately but might then lead to the use of such aforementioned procedures.

These might include the following or the likelihood of the following being committed:

- failure to comply with a legal obligation
- financial malpractice or impropriety, fraud, corruption or theft
- dangers to health and safety of the environment
- criminal activity
- sexual or physical abuse of any member of personnel, service recipient
- discrimination occurring to any member of personnel or service recipient on grounds of sex, race or disability
- any other form of improper action or conduct is taking place
- miscarriage of justice
- academic malpractice
- improper conduct or unethical behaviour
- concerns in relation to PREVENT strategy; terrorism/radicalisation.
- attempts to conceal any of the above.

This is not intended to be a comprehensive list and any matters raised under this policy will be considered seriously. PAAH would rather that you raised the matter when it is just a concern rather than wait for concrete proof. If something is troubling you, which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use the Grievance and Complaints Policy, which you can access in any training centre or via the VLE (in some organisations). This Whistle Blowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

Safeguards

Protection

This policy is designed to offer protection to those personnel or other service recipients who disclose such concerns, provided the disclosure is made:

- in accordance with the procedures laid down
- in good faith, and
- in the reasonable belief of the individual making the disclosure that, it tends to show malpractice.

Confidentiality

PAAH will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of PAAH Directors. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from alternative credible sources.

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made malicious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

The Whistle Blowing Policy aims to:

- encourage personnel to feel confident in raising serious concerns and to question and act upon their concerns
- provide ways for personnel to raise those concerns and get feedback on any action taken as a result
- ensure that personnel get a response to their concerns and that they are aware of how to pursue them if they know what to do if they are not satisfied with any actions.
- reassure personnel that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate procedures are available, for example:

Grievances - (see Grievance and Complaints Policy)

Bullying and Harassment - (see Bullying and Harassment Policy)

Persons involved

Each individual has a responsibility for raising concerns about unacceptable practice or behaviour although this can be difficult. It is particularly important where the welfare of children may be at risk or the act contravenes the PREVENT strategy.

Responsibility for the detailed implementation of this policy rests with the Directors of PAAH.

PAAH Funded Organisations Personnel

Personnel are required to acknowledge their individual responsibility to bring matters of concern to the attention of their company directors and/or PAAH Directors (particularly in the event the malpractice relates to the Company Director). This will prevent the problem worsening or widening, protect or reduce risks to others and prevent them from becoming implicated themselves. **Do not think what if I am wrong - think what if I am right.** Personnel may be the first to recognise that something is wrong, but may not feel able to express concerns out of a feeling that this would be disloyal to colleagues or fear of harassment or victimisation. These feelings, however natural, must not prevent following appropriate whistle blowing procedures.

Learners

Learners are required to acknowledge their individual responsibility to bring matters of concern to the attention of their organisation's personnel (where possible to someone more senior than the malpractice relates to) and a PAAH Director, if they suspect the company directors involvement.

Partner Organisations

Partner Organisations, e.g. employers are required to acknowledge their individual responsibility to bring matters of concern to the attention of their organisation's personnel (where possible to someone more senior than the malpractice relates to) and a PAAH Director, if they suspect the company directors involvement.

Time-scale

Anyone who expresses a concern of malpractice can expect a response within one working week. The time scale for investigation will then be agreed.

Related Documentation

No specific documentation is available for this policy, but written records will be retained throughout.

Training and Induction to the Policy

PAAH Funded Organisations Personnel

All personnel will receive an Induction which will include the Whistle Blowing Policy and ensure they have access to a copy of the **PAAH** Whistle Blowing Policy. Further

training needs will be assessed on a continued basis, at their annual Personnel Appraisal in line with Quality Assurance Procedure – Personnel Appraisal Policy They will be asked to sign a declaration to register their understanding and agreement with this policy.

Learners

All learners will receive an **Induction which will include in** a “user friendly” manner the whistle blowing policy, raising learner awareness. They will also be informed where a copy of the full policy can be accessed. They will be asked to sign a declaration to register their understanding and agreement with this policy.

Partner Organisations

Partner organisations, e.g. employers, involved in the recruitment of learners, delivery of training or assessment, or supporting these processes, will receive information on the Whistle Blowing Policy and they will be asked to sign a declaration to register their understanding and agreement with this policy..

Procedure

PAAH Funded Organisation’s Personnel

As soon as personnel become reasonably concerned, they should firstly raise the issue with their company director. Concerns may be raised verbally (on request of appointment or during a pre-arranged individual meeting) or in writing. While we hope this policy gives you the reassurance you need to raise such matters internally, there is also going to be a need to raise the matters with a PAAH Director (who is not involved in your malpractice concerns). We recognise that there may be circumstances where you made choose to report matters to outside bodies, such as a relevant trade union, the Police, Health and Safety Executive or the Skills Funding Agency.

For more information and advice contact Public Concern at Work (the independent charity) on 020 7404 6609, they have lawyers who can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. Follow this link for more information. [Public Concern at Work](#). Issues of safeguarding concerns can be raised with Ofsted on

If your concerns relate to both of the aforementioned personnel members, or you feel you need to take it to someone outside of your organisation, you can contact the PAAH Directors as follows:

- Mr Graham Daniels c/o Positive Approach 14 Oswald Road, Scunthorpe, North Lincolnshire, DN15 7PT.
Phone 01724 865 048)

or externally directly to the Skills Funding Agency e.g. suspected financial irregularities.

Personnel who wish to make a written report should use the following format:

- the background and history of the concern (giving relevant names/ dates)
- the reason why they are particularly concerned about the situation.

If you do raise a concern under this code, you will not be at risk of losing your job or suffering any form of retribution as a result, provided that:

- the disclosure is made in good faith;
- you reasonably believe that information, and any allegations contained in it, are substantially true; and
- you are not acting for personal gain.

PAAH will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position, or to give you feedback.

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who may be handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request it, we will write to you summarising your concern(s) and setting out how we propose to handle it.

When you raise the concern, you may be asked how you think the concern(s) might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. Should your concern fall within another policy (for example, the Grievance and Complaints Policy), we will tell you.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

Concerns or allegations that fall within the scope of alternative procedures (for example safeguarding) will normally be referred for consideration under that relevant policy. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted. Where appropriate, the matters raised may:

- be investigated by the company or PAAH Director, internal audit, or through the disciplinary process
- be referred to the police
- be referred to an external auditor
- form the subject of an independent inquiry.

Usually, within one week of a concern being raised, the person looking into the concern will write to you:

- acknowledging that the concern has been received
- indicating how the PAAH propose to deal with the matter
- giving an estimate of how long it will take to provide a full response
- saying whether any initial enquiries have been made
- supplying information on support available to you; and
- saying whether further investigations will take place and if not, why not.

Subject to any legal constraints, the relevant personnel member will normally be informed of the outcome of any investigation.

Help will be provided to you in order to minimise any difficulties, which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and with you being represented, if you so wish.

Please note: Malicious allegations may be considered as a disciplinary offence.

Self Reporting

There may be occasions where a member of personnel has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Personnel have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of personnel concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Safeguarding

During the production of this policy, the safeguarding of learners, personnel and other partners in relation to their safety, health, achievement, enjoyment, contribution and wellbeing was considered to be of paramount importance. It is the aim of PAAH to ensure no individual or organisation's welfare will be unfairly disadvantaged due to the implementation of this policy.

Equality and Diversity

It is the aim of PAAH to ensure that no individual is discriminated against due to a personal characteristic covered under the Equality Act 2010. This policy will be impact assessed for equality and diversity and records will be maintained.

Monitoring, Review and Evaluation

Monitoring of Process and Information

The process of monitoring will build on the process of listen, consult and learn from actions and experiences of all involved and focus on improvement from the information obtained.

Monitoring of Documentation and Policy

The PAAH Quality Improvement Team will review this policy and documentation bi-annually.

Updates and communications will be notified to employers of all relevant reviews and any specific outcomes from the reviews (where appropriate). The updated policy will be submitted to the PAAH Directors for approval/ratification.

The completed policy will then be displayed / available for anyone to access. Where possible it will also be available to access through the company VLE.

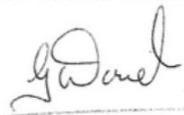
Grievances or Complaints in Relation to the Whistle Blowing Policy

Personnel, learners or employers have the right to lodge a complaint or grievance about any of the areas covered under the Whistle Blowing Policy Personnel who are not satisfied with the action taken by PAAH and feels it right to question the matter further, s/he may consider the following possible contact points:

- ❑ Skills Funding Agency
- ❑ Children's Safeguarding Board
- ❑ The Employee's Trade Union
- ❑ The Citizens Advice Bureau and / or Law Centre / Firm
- ❑ Relevant Professional Bodies Or Regulatory Organisations
- ❑ A Relevant Voluntary Organisation
- ❑ The Police
- ❑ Health and Safety Executive.
- ❑ Ofsted

Approved by the Directors of PAAH on 1st November 2017

Signed:



G. Daniels