

# WHISTLEBLOWING POLICY

Issued by Gemma Kemp    Last Review: March 2024    Review date November 2024

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## Scope and Purpose:

Whistleblowing is the disclosure of information which, in the reasonable belief of the whistleblower, is made in the public interest. This policy encourages staff to report any activity they believe is wrong without fear of victimisation.

Whistleblowing disclosures tend to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence (this may include, for example, types of financial impropriety such as fraud)
- a breach of a legal obligation
- a miscarriage of justice
- danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of wrongdoing in the above categories.

Other examples of when this policy may come into effect include the following and the list is not exhaustive.

- You believe the company is committing an offence of malpractice or maladministration.
- Unethical behaviour

The policy does not apply to personal grievances such as harassment, appeals against assessment decisions, and complaints about a course.

## 1. Whistleblowing procedure

If you report wrongdoing, you should first report it to the operations director either verbally (in which case they will make notes and provide you with a copy, or in writing. They will respond to you within three working days. The director may be able to resolve the issue. If you believe the director does not fully deal with the situation within a reasonable time you have an opportunity to report it to the managing director or the external awarding body or the ESFA directly (see below for more detail on this).

Notes of all meetings, the investigation and outcomes will be produced by the Operations Director and you will receive a copy.

Under the [Public Interest Disclosure Act \(PIDA\)](#), you may be protected if you are a [worker](#) raising a concern in the public interest that falls into one of the categories listed above.

Anyone can complain or make a disclosure to ESFA about an education provider. However, PIDA protects workers who make a disclosure to a [prescribed person or body](#) where the worker reasonably believes that:

- the disclosure falls within the remit of the prescribed person or body.
- the information and any allegations are substantially true.

This means in certain circumstances, specifically where the disclosure is a public interest concern (as per the definition above), the same protections may apply as they would if whistleblowing directly to their employer. This means you would be protected from [dismissal](#) or [detriment](#) (unfair action taken by your employer, including punitive action) as a result of making a disclosure.

## 2. Confidentiality

Sometimes a person making an allegation of wrongdoing may wish to remain anonymous. It is preferable to reveal identity and contact details to the awarding body but if there are concerns about possible adverse consequences a request could be made to the awarding body or the ESFA not to divulge a person's identity. The awarding body are not obliged (as recommended by the regulator Ofqual) to disclose personal information, to do so would be a breach of confidentiality and/or any other legal duty. This will enable a person to safely report malpractice.

A whistleblower will not be subject to detrimental treatment, such treatment includes removal from a course of study, threats, or dismissal. If you believe you have been subject to any detrimental treatment you should speak to the Operations Director. If a member of staff from Salutem believes they have been dismissed for 'blowing the whistle' they have a right to take the case to an employment tribunal for 'unfair dismissal'. This must be done within 3 months of being dismissed.

See the following links for more advice and guidance:

- A link to the document titled Whistleblowing for Employees on the GOV.UK website. [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees-what-is-a-whistleblower)
- A link explaining how to make direct disclosures to the ESFA. [How ESFA handles whistleblowing disclosures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures)
- A link to the Protect website (formerly 'Public Concern at Work'), which is a whistleblowing charity that advises and supports individuals and organisations. [Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)

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