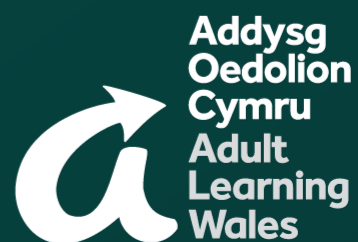


Whistle Blowing Policy

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Author:		Vicky Knappett
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1.0 INTRODUCTION

1.1 Addysg Oedolion Cymru | Adult Learning Wales (hereafter referred to as AOC | ALW) conducts its business with the highest standards of integrity and honesty, however all organisations face the risk of unknowingly harbouring malpractice, fraud or corruption.

1.2 By encouraging a culture of openness within the organisation, AOC | ALW wants to encourage employees to raise issues which concern them at work. By knowing about malpractice, fraud or corruption at an early stage, AOC | ALW stands a good chance of taking the necessary steps to protect the interests of staff, learners and the wider organisation at the earliest possible point.

2.0 PURPOSE

2.1 Whistle blowing occurs when an individual raises concerns, usually to their employer or a regulator about a workplace danger or illegality that affects others.

2.2 We recognise that employees may be worried that by reporting such issues they will be opening themselves up to victimisation, detriment or risking their job security. This policy is designed to provide employees with information about the protections offered by the PIDA (Public Interest Disclosure Act, 1998) as well as the process by which they may raise their concerns.

3.0 RELEVANT LEGISLATION

3.1 PIDA (The Public Interest Disclosure Act, 1998) amended the Employment Rights Act 1996 and in so doing, provides protection for employees who raise legitimate concerns about specific matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made **in good faith** by an employee who has a reasonable belief that:

- A criminal offence (including fraudulent and corrupt behaviour e.g. theft or malpractice) has been, or is likely to be committed;
- A miscarriage of justice has been, or is likely to be committed;
- An act creating risk to health and safety has been, or is likely to be committed;
- An act causing damage to the environment has been, or is likely to be committed;
- A breach of any other legal obligation has been, or is likely to be committed;
- or
- Concealment of any of the above.

3.2 It is not necessary for the employee to have proof of any of these specific instances subject to the disclosure being made **in the public interest**, a **reasonable belief** is sufficient to blow the whistle.

3.3 An employee who makes a qualifying disclosure which becomes a protected disclosure has the right **not** to be dismissed; subjected to any other detriment; or victimised, because they have made a disclosure.

4.0 SCOPE

4.1 This policy applies to all individuals who are involved with AOC | ALW. Although PIDA only protects the interest of employees, the process within this policy can be used by any individual involved with AOC | ALW including learners, volunteers, Council members and the wider membership of the organisation.

5.0 GREVIANCES AND COMPLAINTS

5.1 It should be noted that concerns regarding one's own personal circumstances at work, should be raised using the organisation's grievance procedure. Concerns raised by learners, volunteers, members or council members that are not concerned with the circumstances described in 3.1 should be raised using the organisation's complaints procedure.

6.0 CONFIDENTIALITY

6.1 It is not possible to guarantee absolutely that individuals' confidentiality will be protected. If the organisation is in a position where we cannot maintain confidentiality, we will discuss this with the individual first.

7.0 ANONYMOUS COMPLAINTS

7.1 Although AOC | ALW will take all complaints that are raised under this policy seriously, it should be noted that if an individual informs the organisation of a concern anonymously, it will be much more difficult to investigate the matter, give the individual protection or to give them feedback.

7.2 A written statement may be provided by the person who received the complaint as evidence in these circumstances.

8.0 WHISTLE BLOWING PROCEDURE

8.1 In most cases, an **employee/volunteer** should raise any concerns they may have internally with their line manager or staff contact in the first instance.

8.2 If an employee/volunteer feels it is inappropriate to raise their concerns with their line manager/staff contact, because the concern relates to that person, or the complaint is so serious that it should be raised to someone at a more senior level, then they should speak to a member of the Senior Management Team, or the Company Secretary.

8.3 If the concern relates to a member of the Senior Management Team, they should raise their concern with the Chair of Council.

8.4 If a **member, learner or Council member** wants to raise concerns under this policy, they should do so in writing to the Company Secretary, or the Chair of Council in writing.

8.5 The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required
- Action being taken under other AOC | ALW policies and procedures
- An internal investigation
- A police referral
- A referral to internal or external auditors
- A referral to the Charity Commission
- An independent enquiry

8.6 The person to whom the disclosure is made will:

- Ensure that any concerns are taken seriously
- Make a detailed report of the disclosure
- Ask the employee to provide a written statement describing the precise nature of the allegations
- Upon receipt of the written statement, they will refer it to the appropriate person and write to the individual within five working days of taking that action. In the letter, they will acknowledge receipt of the complaint; provide information on who it has been referred to, and details of who the individual should contact should they have any further questions.

8.7 Where further action is required under this policy, in the first instance this will usually take the form of an investigation. The investigation will be carried out by a member of the Senior Management Team or a council member. However, in certain circumstances, AOC | ALW may arrange for an independent professional to undertake the investigation.

8.8 During the investigation, the individual who reported the disclosure may need to be called upon for interview.

8.9 The individual will be given appropriate updates of progress made during the investigation, and any decisions made in line with this policy, bearing in mind the need to respect the confidentiality of other workers.

9.0 USE OF THE WELSH LANGUAGE

9.1 Individuals have the right to raise a complaint in Welsh and to be responded to in the Welsh language. We will ask individuals whether they would like to use Welsh at any investigation meeting relating to a complaint. For this purpose, we

may need to use a simultaneous translation service from Welsh to English at that meeting.

9.2 We will inform individuals in Welsh about any decisions we have reached in relation to a complaint made by them, if that member of staff has made the complaint in Welsh; has responded in Welsh to a complaint made about them, or has asked to use the Welsh language at a meeting about the complaint.

10.0 EXTERNAL DISCLOSURES

10.1 AOC | ALW would urge those making complaints under this policy to exhaust internal processes set out above, but in exceptional, or urgent circumstances, it might be appropriate for them to contact an external body.

10.2 Legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- Welsh Government
- HM Revenue and Customs
- The Financial Conduct Authority
- The Office of Fair Trading
- The Charity Commission
- The Health and Safety Executive
- The Environment Agency

11.0 UNFOUNDED ALLEGATIONS

11.1 Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.

12.0 MALICIOUS ALLEGATIONS

12.1 If employees are found to have made allegations maliciously or vexatiously and not in good faith, a disciplinary process may be instigated which has the potential to result in dismissal from the organisation.

21.2 Disciplinary sanctions would only be instigated when allegations are suspected to be malicious or vexatious after a thorough investigation of the facts.

APPENDIX 1

EQUALITY IMPACT ASSESSMENT FORM

Policy, procedure, practice or form: Whistle Blowing Policy	Date of assessment: 27 th February 2018
1. Is this a new or existing policy, procedure, practice or form being assessed? This is a revised policy.	
2. Give a brief description of the policy, procedure, practice or form being assessed. The policy describes the process by which individuals can raise a whistle blowing complaint.	
3. Please list any documents/evidence that have been used to inform this Equality Impact Assessment (e.g. demographic data; research findings; policies in similar institutions; survey data; equality monitoring data) Policies from other charitable organisations.	
4. Has any consultation, involvement or research with protected characteristic groups informed this assessment? (e.g. legal advice, staff consultation, stakeholder forums) Consultation will take place with recognised union and the wider staff group.	

5. Which protected characteristic groups will be positively or negatively affected by this policy, procedure, practice or form?

	Positivel y	Negativel y	No impac t	Not know n
Race, including ethnic or national origin, colour or nationality				√

Sex				√
Gender identity				√
Religion or Belief				√
People with a disability				√
Age				√
Sexual orientation				√
Marriage or civil partnership				√
Pregnancy or maternity				√

6. How will use of the Welsh language be positively or negatively affected by this policy, procedure, practice or form?

	Positivel y	Negativel y	No impac t	Not know n
Opportunities to use the Welsh language	√			
Treating the Welsh language no less favourably than the English language.	√			

7. Can this policy, procedure, practice or form be revised to:

	Opportunities to use the Welsh language	Treating the Welsh language no less favourably than the English language.
Increase positive effects on:	√	√
Decrease adverse effects on:		

8. How will the policy, procedure, practice or form impact on Addysg Oedolion Cymru/Adult Learning Wales' ability to comply with the Public Sector Equality Duty in Wales 2014 to eliminate unlawful discrimination, promote equality and foster good relations?

It is possible that a whistle blowing concern could involve an equality issue or relate to discriminatory practice, therefore in a general way, this policy allows discriminatory practices to be identified and for action to be taken.

9. Where no impact has been identified give reasons

10. List any positive impacts that have been identified

11. List any negative impacts that have been identified

12. What action is required to overcome any identified negative impacts?

Impact / Issue	Action	How will this address the negative impact?	Who is responsible	Date for Completion

13. How will the policy, procedure, practice or form be monitored?

We will monitor the number of complaints made under this policy and we will review the policy every 3 years in line with our policy timetable.

Prepared by: Vicky Knappett

Date 27-02-18

Approved by:

Date of next review: When policy is reviewed