

<b>Policy title:</b>	Whistleblowing Policy	<b>Date of Issue:</b>	16/03/2020
<b>Owner:</b>	Beverley Ellis	<b>Issue Number:</b>	20-1

## 1. Policy Statement

- 1.1. TRS Training Limited is committed to the practice of responsible corporate behaviour and to complying with all laws, regulations and other requirements which govern the conduct of our operations.
- 1.2. TRS Training Limited are committed to instilling a strong anti-corruption culture and are committed to compliance with the Public Interest Disclosure Act 1998 came into force on 2 July 1999 and has been updated with all relevant changes in legislation up to August 2016. This Act recognised that workers have the right to “blow the whistle” and disclose certain information, e.g. the fraudulent activities of management, malpractice and/or concerns about health and safety.

## 2. Scope of Policy

- 2.1. This policy applies to all our employees, learners, employers, contractors, subcontractors, consultants, business partners and any other parties (including individuals, partnerships and bodies corporate) associated with the Company or any of its subsidiaries.
- 2.2. The Act introduced specific rights for those who disclose information to a third party about an alleged wrongdoing in defined circumstances. There is no general right for all so-called whistle-blowers to receive special protection. To qualify, the following issues must be met:
  - the Disclosure in question must relate to one of the specified categories contained within the Act (see Section 4.1)
  - the Disclosure must be made in one of the ways specified (see Appendix 1).
- 2.3. All matters will be treated confidentially. If an individual is not happy with the way in which a matter has been addressed, he/she will be encouraged to raise that fact as a complaint rather than leaving the matter unresolved.
- 2.4. We will take the time to listen to any issues raised and investigate in an objective and confidential manner. Issues will be dealt with when they arise and individuals should not be told to wait until they have proof of or to investigate the matters themselves.
- 2.5. However, individuals who make false allegations maliciously may be subject to the appropriate action.
- 2.6. TRS Training will take whistle-blowing and issues of malpractice seriously and will make it clear that the individual wishing to voice his/her concern should raise the matter with the named person first, who will deal with the matter objectively.

## 3. TRS Values

- 3.1. This policy underpins our commitment to our values, with particular reference to:
  - RESPOND – Listening to our customers, partners and stakeholders and being equipped to meet their changing needs
  - PARTNERS – Developing sustainable partnerships where everyone involved benefits from the relationship

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- QUALITY – Providing outstanding teaching, learning and customer service
  - SUPPORT – A strong ethos of care, guidance and support

## 4. Implementation Principles

- 4.1. There are limits on the subject matter that will qualify for protection. A qualifying Disclosure means any Disclosure of information, which, in the reasonable belief of the individual making the Disclosure, tends to show one or more of the following:
- that a criminal offence has been committed, is being committed or is likely to be committed; or
  - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject; or
  - that a miscarriage of justice has occurred, is occurring or is likely to occur; or
  - that the health or safety of an individual has been, or is being or is likely to be endangered; or
  - that the environment has been, is being or is likely to be damaged, or
  - that information tending to show any massive failing within any one of the proceeding paragraphs has been, is being or is likely to be deliberately concealed, or
  - that fraudulent activity is taking place, or
  - that activities are taken place that relate to safeguarding, radicalisation or terrorism or compromise our commitment to British Values
  - that there has been insufficient or ineffective management of a safeguarding referral
- 4.2. The individual has to show that they have a reasonable belief that the information disclosed demonstrates one or more of the above criteria. However, there are two important exceptions where the Disclosure will not qualify for protection and they are: if the person making the Disclosure commits an offence by making it or it is a matter in which a legal, professional privilege would apply, namely, correspondence between the employer and their lawyers regarding a specific case.
- 4.3. It is not sufficient for the individual to show that the circumstances give rise to a qualifying Disclosure, the worker will also have to ensure that the proper procedures are adhered to.
- 4.4. Protection for the individual - The protection given under the Public Interest Disclosure Act 1998 only applies in certain situations where the individual makes a protected Disclosure to the bodies named in the Act.
- 4.5. The protection applies to all individuals without any restriction on age, however, it is limited and it is important that the individual follows the correct procedure or else they will be denied the protection.
- 4.6. The protection, which financial compensation without the statutory cap applying in the case of protection against dismissal, further includes the right not to suffer a detriment as a consequence of making a protected Disclosure.
- 4.7. Individuals who would like to make a disclosure to ESFA should do so at:

Email: [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

Or in writing to:  
Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

## 5. Roles and Responsibilities

### 5.1. The Board

- Approve and review the Policy
- Implement Principles of the Policy
- Demonstrate exemplary behaviour in all business relationships.
- Monitor practice of managers
- Address any allegations / incidents of improper behaviour and take action in line with this policy

### 5.2. Managers

- Implement Principles of the Policy
- Demonstrate exemplary behaviour in all business relationships.
- Ensure staff understand the policy
- Monitor practice of each member of staff
- Report any allegations /incidents of improper behaviour to named contact
- Act as named person

### 5.3. Staff

- Implement Principles of the Policy
- Demonstrate exemplary behaviour in all business relationships.
- Participate in staff training.
- Report any allegations /incidents of improper behaviour to named contact

5.4. The Board is responsible for the overall conduct of the organisation and for ensuring compliance requirements are met.

## 6. Policy Monitoring and reporting arrangements

6.1. The Board is responsible for monitoring the application and effectiveness of this policy.

6.2. Staff are asked for their feedback on the whistleblowing process and this is evaluated and reported at Board meetings and considered as part of the self-assessment process. Arising areas for improvement are included within the Quality Improvement Plan.

6.3. This policy is reviewed bi-annually

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## APPENDIX 1 – WHISTLEBLOWING PROCEDURE

### Procedures for Disclosures

1. In order to qualify for the whistle-blowing protection, the individual must use one of the six specified ways to make the Disclosure. The aim of the legislation is to encourage individuals to disclose the information through appropriate internal channels first rather than going directly to an outside person such as a member of the media.
2. The six permitted ways of Disclosure are as follows:
  - 2.1. **Disclosure to an Employer or Other Responsible Person** - This method of Disclosure will ensure that whistleblowers are protected in respect to Disclosures made in good faith. Where the whistleblower believes that the relevant failure relates solely or mainly to the conduct of a person other than the employer or to a matter for which that other person has responsibility, the Disclosure should be made to that other person. .
  - 2.2. **Disclosure to a Legal Adviser** - This protects whistleblower who disclose information in the course of obtaining legal advice.
  - 2.3. **Disclosure to a Minister of the Crown** - This will only apply where the whistleblower's employer is an individual appointed under any enactment by a Minister of the Crown or a body whose members are so appointed. Examples include the Utility Regulatory Bodies and NHS trusts, i.e. could apply to nurses, care staff and workers supplied to local authorities.
  - 2.4. **Disclosure to a Prescribed Person** - Whistleblowers will qualify for protection when they make a Disclosure in good faith to a person prescribed by an order made by the Secretary of State.
  - 2.5. **Disclosure in Other Cases** - Disclosure in other cases apply where the whistleblower makes the Disclosure in good faith, reasonably believes that the information disclosed and any allegations contained within it are substantively true, does not make the Disclosure for the purposes of personal gain and meets one of the specified conditions set out below, namely:
    - that at the time he or she makes a Disclosure, the whistleblower reasonably believes that he or she will be subject to detriment by his or her employer if that whistleblower makes a Disclosure to his or her employer or to a prescribed person;
    - that in the case where no person is prescribed in relation to the relevant circumstances, the whistleblower reasonably believes that it is likely that the evidence relating to the relevant failure would be concealed or destroyed if he or she made the Disclosure to the employer; or
    - that the whistleblower has previously made a Disclosure of substantially the same information to the employer or a prescribed person. Further details are contained within the Act.
  - 2.6. Individuals who would like to make a disclosure to ESFA should do so at:  
Email: [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)  
Or in writing to: Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT
3. **Disclosure of Exceptionally Serious Breaches**
  - 3.1. The final type of protected Disclosure is one which covers situations where the subject matter is serious enough to merit by-passing one of the other procedures. The relevant criteria set out above must be met together with the matter which must be exceptionally serious. It does not mean that people will be protected where they act unreasonably, for example, by going straight to the press where there would clearly have been other less damaging ways to resolve the matter.