

Policy Name	Whistleblowing Policy	
Policy Reference	NWCS-OP01	
Policy Owner	Paul Sheron	
Latest Review Date	31/01/2023	
Next Review Date	31/01/2024	
Version	Approved by	Summary of changes
1	PS	

<p>Aim and Purpose of the policy</p>	<p>To ensure that 100% of employed personnel are aware as the process to blow the whistle on suspected malpractice</p>
<p>Who is this policy for?</p>	<p>This policy relates to all staff employed by NWCS</p>
<p>Key contacts and resources</p>	<p><u>Key Contacts</u> Head of Centre- Paul Sheron Operational Manager- Karen Luxon</p> <p><u>Resources</u> -Keeping Children Safe in Education (DfE September 2022) -General Data Protection Regulations 2018 (GDPR) -Safeguarding Policy -Equality Policy</p>
<p>Relate Policies and Procedures</p>	

Aim and Vision

North West Community Services Training Ltd (NWCS) whistleblower policy aims to **protect employees** who come forward with information about wrongdoing and to ensure that such reports are investigated promptly and thoroughly. Reporting misconduct can benefit organisations by helping them avoid legal liability or regulatory sanctions.

Rationale

This whistleblowing policy explicitly states that any disclosure made by anyone in the organisation in bad faith or maliciously will not be tolerated and could lead to disciplinary action. Such disclosures undermine the whole tenet of a whistleblowing policy.

Whistleblowing provides protection for workers from dismissal or other detriment who in good faith 'blow the whistle' on certain activities within the organisation such as:

- Criminal offences
- Miscarriages of justice
- A failure to comply with legal obligations
- Where the health and safety of an individual is likely to be endangered
- Where any form of abuse of vulnerable adults or children is suspected
- Deliberate concealment of evidence relating to any of the above

Intent

The Company encourages a free and open culture in its dealings between all employees and those who engage in business relationships with us. We recognise that effective and honest communication is essential if we are to provide a safe and caring environment to the people we support. Therefore, NWCS positively encourages its staff to report any alleged wrongdoing and will fully comply with the Public Interest Disclosure Act 1998..

Implementation

Any matter should initially be brought to the attention of a workers' line manager.

Where the line manager is the object of complaint or the worker has suspicions that a senior manager may be involved, the Managing Director of Services or Personnel Manager should be approached or any member of the Board of Directors. NWCS also recognises the right and obligation of the staff member to voice their concerns to an outside authority such as the police, Local Authority Safeguarding Unit or the Care Quality Commission if necessary. Every member of staff has available to them contact details which are appended to this policy.

The matter will be treated in the strictest of confidence while further investigations are carried out.

It may be necessary for the worker who raised the matter to provide a witness statement for use at any official investigatory hearing. The Company will give the individual full protection from harassment, discrimination or bullying at work as a result of the disclosure and appropriate steps will be taken to ensure that the working relationships of the individual are not prejudiced as a result.

If a worker believes that the Company has failed to respond satisfactorily to the disclosure made in the final assistance to them, s/he has the right to refer the disclosure to The CQC. Disclosure made to legal advisors in the course of obtaining legal advice will be protected.

A worker who makes a disclosure in bad faith, or in order to cause disruption to the Company, or which concerns information that they do not substantially believe is true, or if the disclosure is made for a personal gain will not be protected from disciplinary action, which may constitute gross misconduct.

DEALING WITH INTERFERENCE WITH OR VICTIMISATION OF STAFF WHO HAVE REPORTED ABUSE

Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings. A whistleblower who feels themselves to be subject to hostile action from colleagues should inform their manager, who should if necessary take steps to alter the staff member's duties so as to protect them from the hostile action. The agency includes in its staff handbook information on how to make contact with the Public Concern at Work organisation that has been established to protect whistleblowers from victimisation and bullying as a result of their actions.

TRAINING

All new staff members will receive training in the policy on whistleblowing as part of the induction training. Staff will receive updated training as needed in relation to policy change.

CONTACT DETAILS OF RELEVANT BODIES:

A whistleblower may feel the need to contact outside regulatory bodies in relation to NWCS practice.

Types of complaint ESFA/LCRCA **cannot** consider are:

Examination results or curriculum content where a more appropriate form of redress would be the examining body or the Office of Qualifications and Examinations Regulation (Ofqual)

Ofqual
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

Email: complaints@ofqual.gov.uk
Telephone 0300 303 3344

Prior to contacting Ofqual you will need the following information:

You will need to provide us with some specific information to help us review your complaint:

- what you are complaining about*
- which organisation you are complaining about*
- when and where the events complained about happened*
- what you would like done to put things right*

- Individual employment issues (not in the wider public interest) which are a matter for the employer and the employee, where employment law provides appropriate remedies
- Contractual disputes such as those arising from a contractual agreement between the complainant and the provider

- Matters that are the subject of legal action, or where legal proceedings are the most appropriate way of resolving the dispute.

Contact details for ESFA, in the first instance:

Customer Service Team,
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry CV1 2WT
Email: complaints.esfa@education.gov.uk

Further information can be obtained from website:

<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

Contact details for Ofsted, in the first instance: <https://contact.ofsted.gov.uk/contact-form>

Impact

It is a requirement that 100% of employers receive sufficient support upon activating this process. A clear **whistleblowing** policy encourages a culture where wrongdoing can be addressed quickly and potentially before any regulatory action or damage to reputation; A whistleblowing policy can also reinforce to staff the importance of their duty of confidentiality to their firm and clients

Definitions

What is a whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work – though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law – you should not be [treated unfairly or lose your job](#) because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law

You're protected if [you're a worker](#), for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a [Limited Liability Partnership](#) (LLP)

Get independent advice if you're not sure you're protected, for example from [Citizens' Advice](#).

A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you're a whistleblower.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Complaints that do not count as whistleblowing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Report these under your [employer's grievance policy](#).

Contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#) for help and advice on resolving a workplace dispute.

Policy Review and Implementation

This policy will be updated as necessary to reflect current best practice, official guidance, and in line with current legislation.

This policy is specific to that of NWCS Training Ltd and has been ratified by Head of Centre Paul Sheron

A handwritten signature in black ink, appearing to be 'Paul Sheron', written in a cursive style.

31/01/2023