

Whistleblowing Policy

Overview

Norton Webb Ltd wishes to create and sustain an atmosphere of openness, fairness, equal opportunities and to conduct affairs in a transparent way so that employees can raise legitimate concerns without fear of reprisal. "Whistleblowing" is the term commonly used to describe the procedure by which an employee publicly discloses suspected wrongdoing.

This Whistleblowing Procedure aims to ensure that employees feel able to raise issues internally in the first instance. Wherever possible, the Company would wish to be able to resolve such issues internally with the minimum of damage or embarrassment to the Company's good reputation.

The purpose of this procedure is:

- To provide a channel and process for individuals to raise genuine and legitimate concerns about, fraud, malpractice or safeguarding issues.
- To enable those concerns to be dealt with seriously and urgently.

The Public Interest Disclosure Act exists to protect employees who use the Whistleblowing Procedure. An employee cannot therefore be disciplined for making a disclosure if

- The procedure has been followed.
- The employee has acted in good faith and not for personal gain or out of personal motives.

If an employee uses the Whistleblowing Procedure to maliciously or vexatiously accuse another employee then the disciplinary procedure may be invoked. The Whistleblowing procedure is not to be used for raising grievances about individuals' employment concerns. The Company Grievance Procedure should be followed in such cases.

Malpractice

The Whistleblowing Procedure should only be used where malpractice is suspected. The types of matters regarded as 'malpractice' are as follows:

- Fraud or financial irregularity.
- Corruption, bribery or blackmail.
- Criminal offences.
- Failure to comply with a legal or statutory obligation.
- Miscarriage of justice.
- Endangering the health or safety of any individual, or the environment.
- Improper use of authority.
- Serious financial maladministration arising from deliberate misconduct.
- Concealment of any of the above.

How Should a Concern Be Raised?

If an employee, a self-employed consultant, an agency contract worker, a student on work experience (the 'Discloser') has a concern relating to suspected malpractice which has occurred or is likely to occur by a manager or an employee of the company the concern should be reported to a Designated Person. Designated Persons are currently the Internal Quality Manager and the Operations Manager.

Any disclosure to a Designated Person under this procedure should, wherever possible, be in writing. However, oral disclosures may be made at the choice of the Discloser. The Discloser should provide as much supporting evidence as possible about the disclosure and the grounds for the belief of malpractice.

On receipt of the disclosure the Designated Persons will offer to interview the Discloser in confidence, as soon as practicable. The purpose of the interview will be to obtain as much information as possible from the Discloser and about the grounds of the belief or the malpractice and to consult with the Discloser about further steps, which could be taken. The Discloser may be accompanied by a work colleague at the interview if they so wish. The Designated Persons may be accompanied by a note taker.

If a disclosure is oral, the Designated Persons will (during interview with the Discloser) take full written notes about the alleged malpractice and will seek to agree that note with the Discloser as a correct record.

The choice of Designated Persons will be for the Discloser. A Designated Person may decline to become involved on reasonable grounds including: possible previous interest or involvement in the matter, incapacity, unavailability, or if the Designated Person believes that the other Designated Person would be more appropriate to consider the matter.

The Designated Person will acknowledge receipt of the concern within five working days of receiving it. An estimated completion date will be given and updates will be provided as and when necessary. Unless agreed otherwise with the Discloser any correspondence will be sent to the Discloser's home address.

If an anonymous disclosure is received at the Company it should be forwarded to a Designated Person. The Designated Person will have responsibility for assessing the seriousness of the allegation, the credibility of the concern and the likelihood of confirmation of the allegation. The disclosure will be logged, monitored and reviewed by the Designated Person.

Further Action

As soon as practicable (and normally within five working days) after the interview the Designated Person will recommend what further steps should be taken. Such recommendations may (without limitation) include one or more of the following:

- That the matter should be reported to the police.
- That the matter should be reported to the Education and Skills Funding Agency.
- That the matter should be investigated either internally by the Company and/or by external auditors or investigators appointed by the Company.

- That a member of staff should be given the opportunity to seek redress through the Company's grievance or other internal procedures relating to staff.

The grounds on which the Designated Person may recommend that no further action by the Company should be taken are as follows:

- That the Designated Person is satisfied that the Discloser is not acting in good faith.
- That the Designated Person is satisfied that the Discloser does not have a reasonable belief that malpractice has occurred, is occurring or is likely to occur.
- That the matter concerned is already the subject of legal proceedings, or has already been referred to the police, the Education and Skills Funding Agency or other public authority.
- That the matter is already (or has already been) the subject of proceedings under one of the Company's other procedures relating to staff or learners.

The Designated Person will make any recommendations for action to the Managing Director. The recommendations will be made without revealing the identity of the Discloser, subject to paragraph 26 below. The Managing Director will take all steps within her power to ensure the recommendations are implemented.

Once the Managing Director (or other recipient) has decided what further steps (if any) should be taken, the Designated Person will inform the Discloser of the decision. The Managing Director will determine the level of information that is to be conveyed to the Discloser. If no further steps by the Company are proposed, the Designated Person will give the reasons for this.

The Managing Director will conduct a risk assessment to determine whether it is appropriate for the alleged person to be notified of the allegation against them. If an allegation relates to a potentially criminal offence, such as fraud, then advising the alleged person without due consideration could have the potential to jeopardise any criminal investigation or result in the destruction of evidence.

If the Managing Director decides that the matter is to be investigated internally, an investigation officer will be appointed and the alleged person will be notified of the allegations against them at the appropriate time, in line with the Company Disciplinary Policy.

All disclosures will be recorded and logged in a central log file, which will be held securely by the HR Director.

If the discloser is not satisfied that his or her concern has been properly addressed, the Discloser will have the right to raise his or her concern in confidence with the Managing Director.

External Disclosure

If, having followed this procedure, the discloser is not satisfied with the final outcome notified by the Designated Person, the Discloser may raise the matter concerned on a confidential basis directly with the police, the Learning and Skills Council or other appropriate public authority. Before taking any such action

the Discloser will inform the Managing Director.

The Discloser may also raise the matter, in accordance with paragraph 22 above, if s/he has reasonable grounds for believing that the Designated Persons and the Managing Director are involved in the alleged malpractice or the Discloser will be subjected to a detriment as a result of making the disclosure.

The discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

The Discloser may wish to contact 'Public Concern At Work', an independent, non-statutory, charitable body that can provide advice to individuals with concerns about possible malpractice.

Safeguards

Any report or recommendations by the Designated Person in relation to the matter will not identify the Discloser, unless the Discloser otherwise consents in writing or unless there are grounds to believe that the Discloser has acted maliciously. In the absence of such consent or grounds, the Designated Person will not reveal the identity of the individual as the Discloser of information under the procedure except:

- Where the Designated Person is under a legal obligation to do.
- Where the information is already in the public domain.
- On a strictly confidential basis to the Designated Person's note taker for the time being.
- On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

Any documentation (including computer files and discs) kept by the Designated Person relating to the matter will be kept secure, and as far as practicable, will not reveal the identity of the individual as the Discloser of information under this procedure.

Where the Discloser participates in any enquiry or investigation established by the Company, that participation will usually be required to be an open rather than a confidential basis.

No disciplinary action will be taken against a Discloser for following the Whistleblowing Procedure. This will not prevent the company for bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where an external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to a public authority.

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