



Whistleblowing

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James Sturdy	Initial Draft	13/09/2018	0.1
Chris Guard	Rebranded Draft	09/09/2020	1.0

Reviewers

Name	Title / Role	Date Issued	Version
K Mackell	Safeguarding & Communications Manager	20/10/2021	1.1

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1 Scope & Purpose of the Policy

This policy applies to all members of the Board or its committees, persons employed by Guard Business Solutions, all agency staff and all independent contractors and consultants working with GBS.

The purpose of this policy and the associated procedure is to enable staff to raise relevant issues without fear of victimisation and to receive an adequate response and that GBS should have the opportunity to investigate those concerns and take appropriate action.

The aim of the Policy is to provide safeguards to staff who raise genuine concerns about malpractice or illegal acts or omissions by GBS' employees or where relevant ex-employees.

Legitimate concerns are those which are in the public interest. Public interest means matters which warrant disclosure in the interests of protecting the public (or GBS, staff or students), rather than matters which are interesting to the public.

The Policy does not relate to mismanagement or bad management which does not constitute malpractice; allegations known to be untrue; matters raised for the purpose of furthering any private dispute or for the purpose of financial gain by the person(s) raising the matter.

This Policy does not prevent an individual from raising matters of immediate **urgent** concern with an appropriate Regulatory Body. Such circumstances are likely to be safety issues (to the Health and Safety Executive) or personal security issues e.g. assault (to the police).

If staff so wish, they may ask their trade union to raise an issue on their behalf who will nominate an official so to act. The nominee is responsible for satisfying themselves as to the reasonableness of the case.

2 Policy Statement

Guard Business Solutions is committed to the highest standards of integrity, probity and openness in public life. We will maintain a procedure in line with relevant legislation and best practice.

We will:

- Ensure all concerns will be treated fairly and properly within a transparent and confidential process
- Not tolerate the harassment or victimisation of anyone raising a genuine concern
- Make every effort to keep the identity confidential of any individual making a disclosure unless they agree otherwise or subject to a court requirement or if they act maliciously
- Ensure that any individual raising a concern is aware of who is handling the matter
- Encourage staff to make the appropriate use of the Procedure but will take disciplinary action in response to malicious unfounded disclosures.

The policy not only covers possible improprieties in matters of financial reporting, but also legitimate concerns regarding:

- fraud*
- corruption, bribery or blackmail
- criminal offences
- failure to comply with a legal or regulatory obligation
- failure to properly safeguard assets
- miscarriage of justice

- dishonesty
- cheating**
- poor or unsafe practice in regard to safeguarding and protecting learners
- endangering the health and safety of an individual
- concealment of any of the above

*to be investigated under the Fraud, Bribery and Corruption Policy ** to be investigated under the Plagiarism Policy

This list is not intended to be exhaustive.

3 Adoption

This Policy is adopted by the GBS after consultation and agreement with its recognised trade unions.

4 Linked Policies

Anti-Fraud, Bribery and Corruption Policy
 Freedom of Information Policy Disciplinary Policy
 Grievance Policy
 Health & Safety Policy
 Data Protection Policy
 Equality & Diversity Policy

5 Linked Procedures

Governors' Code of Conduct

6 Location and Access to the Policy

Policies and Procedures are stored on GBS secured One Drive.

7 Persons Responsible for the Policy

Director of Quality

8 Whistle Blowing Procedure

a) Context

Public Interest Disclosure Act 1998

All UK workers are protected under the Public Interest Disclosure Act 1998 when they make a protected disclosure. This is a disclosure of information which, in the reasonable belief of the worker making the disclosure, covers the following employer activities:

- a criminal offence has been, is being, or is likely to be committed
- a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of an individual has been, is being, or is likely to be endangered
- the environment has been, is being, or is likely to be damaged

- the individual's actions will adversely impact upon achieving GBS' objectives either financially, its reputation or quality of student experience
- information relating to the above is being deliberately concealed

Workers in other territories will be treated by the institution as if such legislation applied to them.

This procedure is not designed to deal with individual issues relating to concerns relating to a breach or likely breach of your contract of employment. The Grievance procedure should be used in these matters.

b) Victimisation

This Whistle Blowing Policy provides safeguards to protect staff who raise genuine concerns about malpractice

Any disclosure must be treated in confidence and every effort made to maintain the anonymity of the Discloser, if that is his/her wish. It must be noted, however, that anonymity may not always be possible depending on the nature of the disclosure.

Staff who raise issues in accordance with this Policy will not be victimised or bullied as a result of their actions. The Disciplinary Procedure will be applied to anyone found to be victimising the Whistle Blower; in this eventuality and the matter will, if proven, be considered as gross misconduct.

c) Abuse of the Procedure

It is important that genuine concerns are raised and, provided that they are not known to be untrue, the fact that they are subsequently shown to be unfounded will not be reason for disciplinary action.

However abuse of the policy will be a serious matter and may result in disciplinary action.

d) Procedure

Stage 1

4.1 Should a member of staff wish to raise a matter of Whistle Blowing they should bring it to the attention of the Managing Director of GBS (see section 7: Contact Details).

4.2 Senior Management will acknowledge receipt and their understanding of the disclosure in writing within five working days of the allegation.

4.3 The Managing Director will review the disclosure and instigate any necessary investigation by an appropriate manager.

4.4 If the disclosure involves a member of the Senior Management then the board will inform the Chair who will review the disclosure and instigate any necessary investigation by an appropriate person who may be external to GBS.

4.5 The Board shall be informed at its next meeting, that the Whistle Blowing Policy has been invoked.

4.6 The Investigating Officer shall undertake all necessary investigations to establish the veracity of the whistle blowing claims. They shall submit a written report to the Managing Director or relevant reviewer for consideration and determination of actions.

The purpose of the investigation is to obtain, clarify and confirm all available information concerning alleged malpractice. If an interview is held between the Investigating Officer and the Discloser, he/she may be accompanied by a colleague or trade union representative in the capacity of "friend". The role of "friend" is to support not to represent the Discloser.

The Investigating Officer will, unless impractical to do so, agree his/her note of any interview with the Discloser before proceeding further (within ten working days of the interview).

4.7 The Investigating Officer shall be permitted to take further professional advice.

Reporting

4.9 In the event of alleged financial irregularities, the Chair of the Audit & Risk Committee will report the matter to the Internal and/or External Auditors and, if appropriate, the funding body, in accordance with GBS's financial regulations. If the allegation concerns financial irregularities, the investigation shall be reported to the Audit & Risk Committee prior to any decision being reported to the Whistle Blower.

4.10 The Investigating Officer will inform the Discloser of the action he/she has taken within four weeks of any discussions with them and will keep them regularly informed of the progress of any investigation and of the outcome. It will be recognised that some investigations may be complex and lengthy and that, since the outcome may involve prosecution, all due diligence and caution will be required.

4.11 On completion of the procedure, but prior to communication to the Discloser, the Managing Director (or relevant reviewer) shall inform the Board of the detail of the allegation, the action taken and the final recommendation; this allows the Board Committee the opportunity to consider the matter at the completion of the investigation.

4.12 As far as possible, and subject to third party rights, the Chief Executive (or relevant reviewer) shall notify the Discloser in writing of the outcome of the investigation within five working days of the decision of the Board

Stage 2

4.13 Should the Discloser feel that the matter has not been treated within the procedures or the conclusion is factually incorrect they can refer the matter to the Chair of Governors within 15 working days of the conclusion explaining what aspects of the investigation they are unhappy with. The Chair will call a Special Committee to review the initial Complaint, the Investigating Officers Report and background evidence and the action/remediation plan and shall determine if the response was appropriate or further work needs to be undertaken. The decision of the Special Committee shall be final.

4.14 On completion of the process the Managing Director (or relevant reviewer) will bring the report to the next available Board Meeting along with a final action plan for approval.

e) Timescales

Every effort will be made to adhere to the timescales set out in the procedure. However, it is recognised that such timescales should be flexible, bearing in mind the variation in the length of time it may take to investigate different types of concerns.

In the event of the investigation being a pro-longed one, the Investigating Officer will keep the Discloser informed, in writing, as to the progress of the investigation, and as to when it is likely to be concluded.

f) Interpretation

Matters of interpretation will be the responsibility of the Clerk as advised by the Board.

g) Contact Details:

The Clerk to the Corporation can be contacted by email, phone or letter. Email: penny.guard@gbs-ltd.co.uk Phone: 01213680792 Post (marked private & confidential): Board Members, Guard Business Solutions, Chesterfield, 142A Spital Lane, Chesterfield, S411HN

End.