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## Whistleblowing Policy and Procedure

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<b>Title of Policy</b>	Whistleblowing
<b>Policy Owner</b>	Vicki Zolkiewicz
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### Introduction

DBC Training is committed to the highest standards of openness, probity and accountability. We therefore recognise that staff, both our own or from our supply chain, who raise concerns are an asset not a threat. The law does not define the term 'whistleblowing'. Whistleblowing can be described as the action of an individual exposing evidence of wrongdoing by employers or third parties in the context of the workplace.

It is important to us that any fraud, misconduct or wrongdoing by employees of the organisation, including subcontractors/partners within the supply chain, is reported and properly dealt with. DBC Training therefore encourages all employees and learners to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run. This policy sets out the way in which employees and Learners may raise any concerns that they have and how those concerns will be dealt with.

This policy applies to all employees and Learners.

### Background

[The Public Interest Disclosure Act 1998](#) provides protection for workers who raise legitimate concerns about specified 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;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above; is being, has been, or is likely to be, committed

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the DBC Training's responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

More information on Whistleblowing can be found in the following links [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](#)



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The organisation encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether to raise a concern, he/she should discuss the issue his/her Manager or Director.

DBC Training encourage Learners to speak to the Business Manager in the first instance or ask to speak to a Director.

## Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees and learners should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee/Learner who raised the issue.
- No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Employees have the right to make appropriate external disclosure without going through the internal procedure first. The organisation, however, would encourage the employee to raise the matter with their manager, designated person, Managing Director prior to doing so, unless there are genuine and well-founded grounds for not doing so.
- Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence which may result in summary dismissal.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a Director.

Disclosures can be made both internally or directly to the funding body itself. Details of how you can make a disclosure to the DfE/ESFA are detailed in the following link [How ESFA handles whistleblowing disclosures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/how-esfa-handles-whistleblowing-disclosures)



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## Internal Procedure – Employee's

This procedure is for disclosures about matters other than a perceived actual or potential breach of an employee's own contract of employment. If this is the case, he/she should use the Grievance Procedure.

Qualifying disclosures about matters set out in 'Background' above should be raised using the following procedure:

### Stage 1

In the first instance any concerns should be raised with the employee's line manager or director. If he/she believes the manager to be involved, or for any reason does not wish to approach their line manager, then the worker should proceed straight to Stage 3.

If in any circumstances you feel this needs to be escalated directly to an independent person or is about a Director this needs to be escalated to the Non-Executive Director.

### Stage 2

The Manager/Director will arrange a thorough investigation of the matter within 5 working days (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement.

Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be considered, and he/she will be asked to comment on any additional evidence obtained. This will be recorded in a central location on Sharepoint.

The Manager/Director will then report to the Board, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the Manager (or the person who carried out the investigation) will report the matter and refer to HR to start the disciplinary procedure.

On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Directors have done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 3

If the worker is concerned that his/her manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Directors, he/she should inform a Director personally who will arrange to review the investigation carried out, make any necessary enquiries and make his/her own report as in stage 2 above.

If for any other reason the worker does not wish to approach his/her manager he/she should also in the first instance contact a Director. Any approach to the Director will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.



If the individual feels that they cannot approach a Director or if the concern relates to a director or if a more independent person is required, this needs to be escalated directly to the Non-Executive Director.

**Stage 4**

If on conclusion of stages 1, 2 and 3 the employee reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper person or authority.

If an employee makes a qualifying disclosure to such persons, it will be a protected disclosure provided the worker:-

- makes the disclosure in good faith;
- reasonably believes that the information, and any allegation it contains, are substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. (For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive)

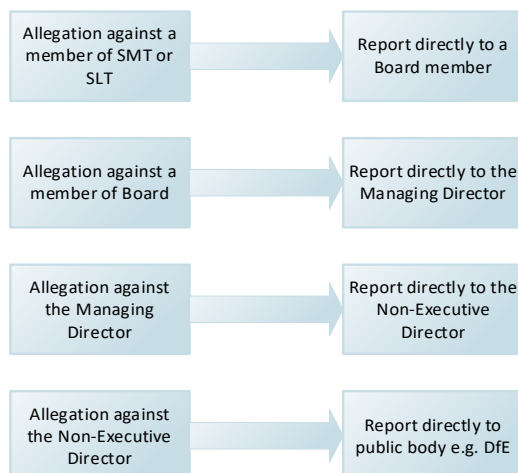
The legislation sets out a number of persons or bodies to which qualifying disclosures may be made. These may include:

- Information Commissioner
- HM Revenue & Customs
- Health and Safety Executive
- Environment Protection Agency
- Funding Bodies e.g. ESFA
- Ofsted
- Awarding Organisations
- End Point Assessment Organisations (EPAO's)

**Safeguarding Concerns**

Any whistleblowing concerns relating to safeguarding will be dealt with in the same process as above.

If allegations relate to senior post holders the following procedure will need to be followed:



For further information on safeguarding, please refer to the safeguarding policy.



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## Internal Procedure – Learners

### Stage 1

In the first instance any concerns should be raised with the relevant Business Manager within the designated Centre. If he/she believes the Business Manager to be involved, or for any reason does not wish to approach them then please raise concerns directly with the Skills & Quality Director, Frances Drew ([Frances@dbc-training.co.uk](mailto:Frances@dbc-training.co.uk)) (The Lead)

### Stage 2

The Lead will arrange a thorough investigation of the matter within 5 working days (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the learner and other individuals involved giving a written statement.

Any investigation will be carried out in accordance with the principles set out above. The learner's statement will be considered, and he/she will be asked to comment on any additional evidence obtained. This will be recorded in a central location.

The Lead will then report to the Directors, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the Lead will report the matter and start the disciplinary procedure.

On conclusion of any investigation, the learner will be told the outcome of the investigation and what the Directors have done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 3

If on conclusion of stages 1 and 2 the learner reasonably believes that the appropriate action has not been taken, he/she should report the matter directly to the Managing Director.

If a learner makes a qualifying disclosure to such persons, it will be a protected disclosure provided they:-

- make the disclosure in good faith;
- reasonably believes that the information, and any allegation it contains, are substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. (For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive)

## False Reporting

There may be instances where a disclosure is made, based on genuine belief by the worker that something is wrong at a particular time, which is subsequently demonstrated to be false or inaccurate. In such circumstances, the worker will be informed of the discrepancy between their report and the facts at hand. Provide the organisation is satisfied that the worker acted in good faith and had a genuine belief that such a situation should be reported, no further action will be taken.



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If it becomes apparent to the Manager or Director that the employee making the disclosure has acted maliciously or frivolously, or has acted for personal gain, this will be dealt with through the organisation's disciplinary process and will be viewed as gross misconduct (see Disciplinary Procedure).

### Related Policies and Procedures

- Equality & Diversity
- Disciplinary & Grievance
- Bullying & Harassment
- Health and Safety
- Anti-fraud and corruption
- Ant-bribery

If an employee is suspected to have breached any of the policies mentioned they may be referred to the disciplinary procedure.

All learners must have received a copy of the policy, read and understood the content.

### Useful Links & Support

- [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [How ESFA handles whistleblowing disclosures - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Protect - Speak up stop harm - Whistleblowing Homepage \(protect-advice.org.uk\)](https://protect-advice.org.uk) - Protect is the UK's leading whistleblowing charity