

## Whistleblowing Policy

### 1. Introduction

The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regularity Reform Act 2013, protects a member of staff against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Tyne North Training is committed to operating in accordance with its values. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Tyne North Training encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns about malpractice in connection with Tyne North Training.

This policy and procedure also aims to encourage staff members to raise genuine concerns through internal Tyne North Training procedures without fear of adverse repercussions being taken against them. The law allows staff members to raise such concerns externally and this policy informs staff members how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

This policy and procedure also seeks to balance the need to allow a culture of openness with the need to protect other staff members against vexatious allegations or allegations which are not well-founded.

The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. Tyne North Training is also committed to ensuring compliance with the Bribery Act 2010.

This policy and procedure is designed for the use of staff members of Tyne North Training.

### 2. What is Whistleblowing?

Whistleblowing is when a report is made about a suspected wrongdoing which is in the public interest. This is referred to as making a disclosure in the public interest. A whistleblower is someone who raises serious concern about wrongdoing or malpractice so that problems can be identified and resolved quickly.

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Staff members are encouraged to report malpractice (whether by other employees or contractors). The person making the disclosure must have a reasonable belief that it is in the “public interest” for protection to apply.

### 3. Applicability of this Policy and Procedure

This policy applies to all employees of Tyne North Training, including any casual workers; and of contractors.

Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the Tyne North Training’s grievance procedure. Any staff member in this situation is encouraged to contact a member of the Senior Management Team in confidence for advice

### 4. Protected Disclosures

Under the Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013 the disclosure of confidential information in the public interest is a lawful act and a member of staff cannot be dismissed, disciplined or unfavourably treated provided:

- the procedure has been followed;
- the employee has acted in the public interest and not for personal gain or out of personal motives;

Under no circumstances should staff members of Tyne North Training talk to the media or to any other person or body without first exhausting the proper procedure.

### 5. Specific Subject Matter

If, in the course of employment, a staff member becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be deliberately concealed.

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Complaints about disputes/dissatisfaction in employment should be dealt with under the Tyne North Training Grievance procedure. For instance complaints about breaches of employee's own contract of employment should be raised as a grievance.

**6. Procedure for Making a Disclosure**

Information which a staff member reasonably believes to show one or more of the situations detailed above should be disclosed promptly to their line manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a staff member can raise the issue with another member of the Senior Management Team.

If the disclosure relates to the Chief Executive, a staff member can raise the issue with the Chairman of the Board.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, Tyne North Training will not be in a position to notify the individual making the disclosure of the outcome of action taken by Tyne North Training. Anonymity also means that Tyne North Training will have difficulty in undertaking an investigation. Tyne North Training reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to a member of the Senior Management Team

**7. Procedure for Investigation of a Disclosure**

When a staff member makes a disclosure, the recipient will acknowledge its receipt, in writing, normally within 5 working days.

The recipient will then determine whether or not they believe that the disclosure is wholly without substance or merit. If the recipient considers that the disclosure does not have sufficient merit to warrant further action, the staff member will be notified in writing of the reasons for that decision and advised that no further action will be taken by Tyne North Training under this policy and procedure. Considerations taken into account when making this determination may include (but is not limited to) the following:

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- If the recipient is satisfied that a staff member does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate Tyne North Training procedure.

When a staff member makes a disclosure which has sufficient substance or merit warranting further action, the recipient will take action it deems appropriate (including action under any other applicable Tyne North Training policy or procedure). Possible actions could include internal investigation; referral to Tyne North Training's auditors; referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation would be conducted by a Tyne North Training manager without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by Tyne North Training as appropriate.

Any recommendations for further action made as a result of the investigation will be addressed to the Chief Executive. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The staff member making the disclosure will be notified of the outcome of any action taken by Tyne North Training under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chief Executive within 10 working days. The Chief Executive will make a final decision on action to be taken and notify the staff member making the disclosure.

[Guidance note: The procedure should encourage the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation. All communications with the staff member making the disclosure should be in writing and passed direct to the staff member or sent to their home address as appropriate. If investigations into the concern are prolonged, Tyne North Training should keep the staff member concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion]

Any protected disclosures made by ex-employees or workers after the termination of their employment/contract will also be dealt with under this procedure. In such cases, Tyne North Training would normally ask that the ex-employee/worker sets out the details of his/her concerns in writing, Tyne North Training will then respond in writing having undertaken such investigations as deemed to be appropriate.

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**8. Safeguards for Employees Making a Disclosure**

A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by Tyne North Training and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

[Guidance note: For confidentiality purposes, if the staff member requests to raise their concern verbally, it would be appropriate for Tyne North Training to allow the staff member to do so.]

Tyne North Training will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by Tyne North Training does not identify the staff member making the disclosure without their written consent, or unless Tyne North Training is legally obliged to do so, or for the purposes of seeking legal advice.

No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure. This does not prevent Tyne North Training from bringing disciplinary action against a staff member where Tyne North Training has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside Tyne North Training without reasonable grounds.

A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Tyne North Training for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by Tyne North Training against the colleague in question.

**9. Disclosure to External Bodies**

This policy and procedure has been implemented to allow staff members to raise disclosures internally within Tyne North Training. A staff member has the right to make a disclosure outside of Tyne North training where there are reasonable grounds to do so and in accordance with the law.

Staff members may make a disclosure to an appropriate external body prescribed by the law. This list of „prescribed“ organisations and bodies can be found in information on the GOV.UK website.

Staff members can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a staff member seeks advice outside of Tyne North Training, they must be careful not to breach any confidentiality obligations or damage Tyne North Training’s reputation in so doing.

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**10. Accountability**

Tyne North Training will keep a record of all concerns raised under this policy and procedure (including cases where Tyne North Training deems that there is no case to answer and therefore that no action should be taken) and will report to the Board as and when appropriate.

**11. Further Assistance for Staff**

Tyne North Training will not tolerate any harassment or victimisation of staff members who make disclosures. If, at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Chief Executive.

Staff members can also contact Public Concern at Work ([www.pcaw.org.uk](http://www.pcaw.org.uk)), which is the leading authority on matters of public interest whistleblowing

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