

# Disclosure Policy

## PROTECTION FOR EMPLOYEES WHO 'BLOW' THE WHISTLE'.

The Company's policy is to comply with both the letter and spirit of the law with regard to the Public Interest Disclosure Act 1998. To this end, we aim to secure the trust and confidence of any employee who considers they have a genuine concern about a wrongdoing or failure within the Company, which they feel unable to disclose using the normal channels.

Some employees may be worried that by making a disclosure they will be opening themselves up to unfair treatment or detriment, or even risking their job security. The provisions introduced by the Public Interest Disclosure Act 1998 protect employees from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered. Provided employees act in good faith and raise concerns in the correct way, they are able to make disclosures about wrongdoings in the Company, without fear of detriment, so that problems can be identified and resolved quickly and efficiently.

The purpose of this Policy is to inform employees of that opportunity and protection.

Note: this policy is not part of the normal Grievance Procedure. If you have a complaint about your own personal circumstances then you should use that procedure.

## OUR PROMISE

The Company is committed to this policy and if you have a genuine disclosure, the Company gives you its assurance that you will not suffer any form of retribution, victimisation or detriment. Your disclosure will be treated seriously and we will act according to this Policy.

## WHAT QUALIFIES AS A GENUINE DISCLOSURE?

Certain kinds of disclosures qualify for protection ('qualifying disclosures'). Qualifying disclosures are disclosures of information, which the employee reasonably believes show one or more of the following matters are either happening now, took place in the past, or are likely to happen in the future:

- ▲ A criminal offence
- ▲ Breach of a legal obligation
- ▲ A miscarriage of justice
- ▲ Misappropriation of the Charity's funds and/or mal-administration
- ▲ A danger to the health or safety of any individual
- ▲ Damage to the environment
- ▲ Disclosure of any allegation relating to improper conduct towards or suspected inappropriate behaviour involving a learner
- ▲ Deliberate covering up of information tending to show any of the above matters

In making a disclosure, the employee must have reasonable belief that the information disclosed shows one or more of the offences or breaches listed above ('a relevant failure'). The belief need not be correct, it might be discovered subsequently that the belief was in fact wrong. However, the employee must show that he/she held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure.

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Note: The Act provides for protected disclosures to be made to 'Prescribed Persons'. These include bodies such as the H M Revenue and Customs & the Information Commissioner. Breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive or appropriate local authority, and environmental dangers can be notified to the Environment Agency.

## **PROCEDURE**

### **1. How to make a disclosure internally**

If you are concerned about any form of wrongdoing or failure by the Company, an employee or any of its nominated representatives you should normally first raise the issue with your immediate superior (line manager). There is no special procedure for doing this – you can tell that person about the problem or put it in writing if you prefer.

However, you must ensure that you:

- ▲ Make the disclosure in good faith
- ▲ Do not act for personal gain
- ▲ Reasonably believe that the information, and any allegation it contains, are substantially true
- ▲ Reasonably believe that the matter falls within the description of what qualifies as a genuine disclosure

If you feel you cannot tell your immediate superior, for whatever reason, please raise the issue with the next tier of management. The organisation chart will point you in the right direction.

If you have raised your concerns and you are still anxious, or the matter is so serious that you feel you cannot discuss it with either of the two persons named above, you should raise the matter with the Director.

If you have reason to believe that your concerns relate to a grave irregularity or wrongdoing by the most senior management of the company then you should raise the matter with the Chairman or Vice Chairman of our elected Council.

### **2. How the company will respond**

As far as possible, the Company will keep you informed of the decisions taken and the outcome of any enquiries and investigations carried out. However, we will not be able to inform you of any matters that would infringe the duty of confidentiality owed to others.

### **3. Raising your concerns externally in exceptional cases**

The Company would expect that in almost all cases raising concerns internally would be the most appropriate action for you to take. However, if for whatever reason, you feel you cannot raise your concerns internally and you honestly and reasonably believe the information and any allegations are true, you should consider raising the matter with the appropriate regulator. The regulators are specified under the Public Interest Disclosure Act 1998.