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APPROVED BY		
Gaye Hutchinson		
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Whistleblowing Policy

Changes made to policy since last policy review:

Date change only.

Release Potential Ltd is committed to operating an ethical and principled business. This policy is designed to explain how to raise genuine concerns about suspected wrongdoing at the earliest possible point and to provide you with safeguards about any malpractice both internally and within any third-party employer.

This policy applies to all staff and learners within Release Potential Ltd.

Whistleblowing

Whistleblowing is a term used to refer to an individual who discloses information relating to actual malpractice or maladministration and/or the covering up of such practices. The malpractice or maladministration is often committed by the individual's employer, although this is not always the case.

Whistleblowers have protection in law under the Public Interest Disclosure Act (1998) in certain circumstances. Every reasonable effort will be made to keep a complainant's identity confidential where asked to do so, although this cannot be guaranteed, and identity may need to be disclosed to:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with court proceedings)
- another person to whom Release Potential is required by law to disclose identity

Those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure.

Complaints that count as whistleblowing

You are protected by law if you report any of the following:

- a criminal offence has been, is being, or is likely to be committed, for example fraud
- a person has or is likely to fail to comply with any legal obligation to which they are subject which would include safeguarding and not having correct business insurances
- someone's health and safety has been, is being or is likely to be put in danger

- the environment has been, is being, or is likely to be damaged
- a miscarriage of justice has, is or is likely to occur
- you believe someone is covering up wrongdoing – i.e., information showing that any of the above has been, is being or is likely to be concealed

Complaints that do not count as whistleblowing

- Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

These should be reported under the Grievance Policy.

You can contact the Advisory, Conciliation and Arbitration Service (ACAS) for help and advice on resolving a workplace dispute.

Who to tell and what to expect?

We would like in the first instance for you to report your concern to us. However, there are other options, for example, you can get legal advice from a lawyer, or tell a prescribed person or body.

If you tell a prescribed person or body, it must be one that deals with the issue you're raising, for example, a disclosure about wrongdoing in a

care home can be made to the Care Quality Commission.

Disclosure

To be a 'qualifying disclosure', the disclosure must consist of information, rather than merely being an allegation. It must convey information in the form of facts and must also identify which of the above situations you are disclosing.

Where you suspect there is an issue with an employer we work with and there is a learner involved, you should in the first instance report this concern within the Safeguarding Policy. Where it is a supplier of goods or other services, discuss the issue first with your line manager. This is not a requirement however to being protected.

There are seven methods of disclosure. To be protected under the legislation, you must disclose using one of these methods and would be expected to start with Release Potential Ltd (or the third-party employer), then a legal advisor and so on through this list.

The seven methods of disclosure:

1. Disclosure to the Employer: This could be Release Potential Ltd if the disclosure is about us or another employer. For example, where we are working with them delivering training or other service.

2. Disclosure to the person believed to be responsible for the relevant failure: Where you reasonably believe a third party (such as a charity or public authority where they might be based) is responsible for the suspected wrongdoing, you can report it to the third party without notifying Release Potential Ltd.

3. Disclosure to a legal adviser: You can disclose matters to your legal adviser in the course of obtaining advice.

4. Disclosure to a Minister of the Crown. This provision applies to workers in government departments and bodies.

5. Disclosure to a prescribed person.

Parliament has approved a list of 'prescribed people' to whom any worker can make a disclosure, provided the worker believes the information is substantially true and concerns a matter within that person's area of responsibility. This list includes bodies such as the HMRC, the Health and Safety Executive and the Office of Fair Trading and can be found following this link;

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

6. External disclosure in other cases: The range of people falling under this provision is potentially vast. It could include the media, the police, a professional body, a regulatory body such as ESFA or a Combined Authority that is

not in the list of 'prescribed people', a union official, or a Member of Parliament.

7. Disclosure of exceptionally serious failures:

Any qualifying disclosure made externally will be protected if you:

- do not act for personal gain
- reasonably believe the information disclosed, and any allegation contained in it, are substantially true

Also;

- it must be reasonable for you to make the disclosure in view of all the circumstances - with particular regard to the identity of the person to whom the disclosure is made.

Only an industrial tribunal/arbitrator can decide whether the relevant failure is exceptionally serious. This will be a matter of fact and not simply a matter of you reasonably believing it to be exceptionally serious.

How do I make a disclosure?

Where you have information that shows one or more situations described above (complaints that count as whistleblowing), you should in the first instance, where it is appropriate disclose to your line manager.

Where the disclosure is made in order to safeguard a vulnerable person, you should report it under the Safeguarding Policy and procedures.

If you would be uncomfortable to report to your line manager, you should report the concern to the next highest or another level of management.

Release Potential Ltd is a small company and it is hoped you would feel you could disclose to one of the senior members of staff. An alternative route would be to the company's HR Advisor.

You are encouraged to identify yourself when making the disclosure so we can notify you of the outcome and any actions being taken. Where you disclose anonymously, we obviously will not be able to do this.

An anonymous disclosure can also make it difficult for us to carry out a full and effective investigation.

We will use the following three tests to determine if this policy should be applied following an anonymous disclosure:

- The nature and seriousness of the issues raised within the disclosure
- How credible the concern is, and the nature of the information provided to support the claims
- The likelihood we will be able to confirm the concerns through attributable sources

When you make a disclosure, and assuming it is not anonymous, we will confirm receipt, in writing, within a reasonable time period

Release Potential Ltd will then determine if the disclosure is without merit or if there is insufficient creditable information to take further action. You will be informed, in writing of the outcome. We will consider the following in making this determination:

- If Release Potential Ltd is satisfied that you do 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 Release Potential Ltd procedure.

Where the disclosure is deemed to have sufficient substance to warrant further action, Release Potential Ltd will take action it deems most appropriate. This could include (non-exclusively):

- Internal investigation
- External investigation / audit
- Referral to an external organisation such as Ofsted, Awarding Organisation or funding body
- Referral to an official body

Safeguards for making a disclosure internally:

Where you make a disclosure under this procedure you can expect the matter to be treated confidentially and, where applicable, your name will not be disclosed to anyone implicated, without your prior approval.

Release Potential Ltd will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the company does not identify the individual without their written consent, unless we are legally obliged to do so, or for the purposes of seeking legal advice.

No formal disciplinary action will be taken against you on the grounds of making a disclosure made under this policy or procedure.

This does not prevent Release Potential Ltd from bringing disciplinary action against you where we have grounds to believe that the disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Company without reasonable grounds.

You will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Release Potential Ltd for making a disclosure in accordance with this policy and procedure.

Equally, where you are threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken against the colleague in question.

Safeguards for making a disclosure externally:

This policy is designed to facilitate internal reporting of any disclosure. However, you have

a right to disclose to external bodies. The seven methods of disclosure listed previously provide guidance on the sequence and bodies to consider.

You must ensure that you:

- Disclose to the appropriate external body
- Where appropriate, use a 'practicing' solicitor or barrister for legal advice or a recognised body such as ACAS
- Make sure you do not breach any obligations under confidentiality, GDPR or damage Release Potential Ltd's reputation in doing so

Accountability and assistance

Release Potential Ltd will keep records of all disclosures made under this policy including where we find there is no case to answer.

We will not tolerate harassment, bullying or victimisation of any member of staff making a disclosure under this policy.

Where you make a disclosure, you may want to take advantage of Release Potential Ltd's mental health first aiders for support. Where you feel you are unable to do this, there are a great many sources of support externally you can access.

Whistleblowing advice charities are available to you. However, we would encourage you to talk to us first.

Protect Advice Line: 020 3117 2520 (Option 1)

whistle@protect-advice.org.uk