

## **Public Interest Disclosure (Whistleblowing) Policy and Procedure**

### **1. Policy Statement**

- 1.1 LTE group\* is committed to ensuring the highest standards of honesty and integrity. The Board of Governors seeks to ensure that the affairs of the group are conducted with probity and that a culture of openness exists throughout the organisation.

### **2. Scope**

- 2.1 The policy applies to all employees of the group, contractors, agency personnel, governors, suppliers and learners.
- 2.2 The policy conforms to guidance in the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.
- 2.3 Malpractice which might be disclosed through the Whistleblowing procedure extends to allegations of suspected fraud, financial irregularity, corruption, bribery, dishonesty, criminal activity, breaches of the Code of Conduct and where a serious risk to health, safety or the environment has been created or ignored.
- 2.4 The availability of the disclosure procedure eliminates any reasonable grounds for employees to make a disclosure outside the organisation before internal mechanisms have been invoked and applied.

### **3. Public Interest Test**

- 3.1 “In” the public interest must be distinguished from “of” the public interest, i.e. matters which are simply interesting to the public.
- 3.2 Disclosures under the Act will not be protected by the Act unless they are believed to be made in the public interest. This therefore excludes disclosures which are of a purely personal interest.
- 3.3 Grievances by individuals in relation to their personal employment or as appeals against decisions of management unless they involve instances of malpractice are regarded as personal interest and shall be dealt with under the appropriate procedure.

\*For the purpose of this policy LTE group shall include any trading part of the group or subsidiary, including but not limited to The Manchester College, Total People Ltd, MOL and Novus.

#### **4. Confidentiality**

- 4.1 Confidentiality will be maintained so far as is reasonably possible but there may be circumstances where the identity of a whistleblower would need to be revealed in order to receive protection under the Public Interest Disclosure Act.
- 4.2 The policy recognises that accusations made anonymously are difficult to follow-up or substantiate but still require a reasonable investigation. The Public Interest Disclosure Act offers protection but it must be understood that in dealing properly and effectively with whistleblowing, it would be unlikely that anonymity could be retained.

#### **5. Action regarded as a Disciplinary Offence**

- 5.1 The following will be regarded as serious disciplinary offences:-
- Any management or staff action designed to prevent, deter or victimise an individual from raising a genuine concern.
  - Any abuse of the whistleblowing system through maliciously raising unfounded allegations.

### **PROCEDURE**

#### **1. Principles**

- 1.1 Every effort will be made during an investigation of a whistleblowing disclosure to protect the individual(s) concerned, to maintain accurate and confidential records and to avoid alerting others who may be involved that a concern has been raised.

#### **2. Written statement**

- 2.1 In order for the transparent and accurate maintenance of records of the disclosure, concerns should be put in writing and addressed in confidence to:-

Company Secretary & General Counsel  
The Manchester College  
Openshaw Campus  
Ashton Old Road  
Openshaw  
Manchester  
M11 2WH

- 2.2 In the event that the allegations or concerns relate to the Company Secretary & General Counsel disclosure in writing should be made to the CEO at the same address.
- 2.3 The written statement should include a brief summary of the issue causing concern, the steps already taken and any supporting evidence.

### **3. Preliminary Investigation**

The Company Secretary & General Counsel (who reports directly to the Board of Governors) and is therefore well placed to deal with concerns) will:-

- 3.1 Send an immediate written acknowledgement to the “whistleblower”.
- 3.2 Clarify any details.
- 3.3 Ensure that the employee is aware of the public interest test and the protection offered by the Public Interest Disclosure Act.
- 3.4 Inform the either the Chair of the Board, Chair of the Audit & Risk Committee and/or CEO that the concern has been raised. (Unless they are the subject of the concern in which case they would be informed at an appropriate time in the investigation and not at the outset in line with the principles of the investigation).
- 3.5 Obtain legal and/or other advice as necessary.
- 3.6 If the subject of the investigation is the Company Secretary & General Counsel then the CEO shall undertake the steps above.
- 3.7 Due to the nature of the investigation it is not feasible to stipulate a specific timescale for the investigation.
- 3.8 When the outcome of the investigation is reached the Company Secretary & General Counsel will notify the “whistleblower” of the outcome.
- 3.9 Upon completion of the investigation the matter shall be reported to the next ordinary meeting of the Audit & Risk Committee.
- 3.10 If the disclosure is anonymous, reasonable endeavour shall be made to investigate within the limited confines of the disclosure as appropriate. A report will be submitted to the Audit & Risk Committee on the outcome of such an investigation.

### **4. Appeal against Preliminary Decision**

- 4.1 If the employee is not satisfied that their concern has been properly dealt with following the previous stages then the Company Secretary & General Counsel should be informed in writing, together with the reasons why the matter be taken further.
- 4.2 An interview may be arranged to establish facts. This interview may be undertaken by either two members of the Executive Team or a member of the Executive Team and a representative of the Group Solicitors.
- 4.3 The employee may be accompanied to the interview by a colleague or trade union representative.
- 4.4 A formal record of the interview will be made.
- 4.5 A panel of three members of the Executive (usually comprising the CEO, Company Secretary & General Counsel and one other) shall consider what action should result.

4.6 If the concern raised involves the CEO or Company Secretary & General Counsel then the panel shall comprise the Chair of the Board of Governors, the Chair of Audit & Risk Committee and one other governor and be advised by either the CEO or Company Secretary & General Counsel and/or by a representative of the Group Solicitors if deemed necessary.

4.7 Possible outcomes include the following:-

- No further action.
- Disciplinary action within the Group disciplinary procedure or any other HR procedure applicable to the circumstances.
- Referral to a regulatory body, other authority or the police.
- Training, development and/or a review of relevant procedures.

4.8 The employee will be advised in writing of the outcome of the investigation.

4.9 A report will be submitted to the Audit & Risk Committee on completion of the investigation.

## **5. Access to External Appeal**

5.1 If, having followed the process as set out in paragraphs 1- 4 of the procedure, the employee still not satisfied that their concern has been adequately addressed they may raise it with an independent body, such as the Group Internal Auditors or another organisation listed at section 8.

## **6. Public Interest Disclosure Protection**

6.1 Harassment of an employee who raises a concern under this procedure will not be tolerated. An employee who feels that they have been victimised or disadvantaged after making a disclosure in accordance with the Public Interest Disclosure Act 1998 is entitled to make a claim to an Employment Tribunal.

6.2 In the rare case of an “exceptionally serious” breach, which is of such magnitude as to justify bypassing the above procedure, the “whistleblower” will only have statutory protection if:-

- He/she reasonably believes that his/her allegation is substantially true.
- He/she is not acting for personal gain.
- The disclosure is of a very serious nature.
- It is reasonable in all the circumstances for the disclosure to be made.
- At the time of the disclosure he/she reasonably believes he/she will be subjected to a detriment.
- There is a reasonable belief that it is likely that evidence relating to the relevant failure will be concealed or destroyed if he/she makes the disclosure to his/her employer;  
or
- He/she has previously made the disclosure to his/her employer.

## **7. Records**

7.1 The Company Secretary & General Counsel shall maintain records of all concerns raised, investigations undertaken and the outcomes thereof.

## 8. Contact Details

Company Secretary & General Counsel  
The Manchester College  
Openshaw Campus  
Ashton Old Road  
Openshaw  
Manchester  
M11 2WH

0161 674 2204

The Company Secretary & General Counsel may be contacted by telephone for general advice and will provide further information on the Public Information Disclosure Act 1998 if requested but will only take action on concerns if received in writing.

### Independent Bodies

Public Concern At Work (an independent charity which provides free, confidential advice on whistleblowing)

020 7404 6609

[www.pcaw.co.uk](http://www.pcaw.co.uk)

Group Internal Auditors  
RSM  
3 Hardman Street  
Manchester  
M3 3HF

Education and Skills Funding Agency  
Arndale House  
Arndale Centre  
Manchester  
M4 3AQ  
0845 377 5000

GM Police HQ  
Central Park  
Northampton Road (off Oldham Road)  
Manchester  
M40 5BP

Owner: Company Secretary & General Council  
Authority to approve: Group Audit & Risk Committee  
Date of approval:  
Review cycle: three years