



WHISTLEBLOWING POLICY

PROSPECT TRAINING SERVICES



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Mandatory User Notes

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This policy also applies to the ESF NEET project contract ref ESF NEET 5042 Support for NEETs

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1. Introduction

- 1.1 This policy sets out Prospect Training Services (PTS) position with regard to whistleblowing. This Policy applies to all staff at PTS.

2. Policy Purpose

- 2.1 The purpose of this Policy is to ensure that those who wish to raise concerns covered in the whistleblowing legislation located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) are able to do so without fear or prejudice.
- 2.2 The purpose of this policy is also to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

3 Policy Statement

- 3.1 Our business is run in accordance with the law and Keeping Children Safe in Education (KCSIE) guidance. No employee will suffer a detriment for speaking up if they believe that something is wrong.

If you have information you believe shows any of the following:

- A criminal offence was committed or is being, or is likely to be committed
- A person has, or is likely to fail to comply with a legal obligation
- A serious breach of safeguarding
- A miscarriage of justice has occurred or is likely to occur
- The health and safety of any individual has been or is being or is likely to be endangered
- The environment has been, is being, or is likely to be damaged
- That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

Please raise your concerns immediately with your Line Manager, or HR.

- 3.2 In most cases you should not find it necessary to alert anyone externally. However, you will still be protected in law if you disclose the information to the following;
- A legal advisor in the course of getting legal advice
 - A Minister of the Crown
 - One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g., disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).
 - Disclosure to any other person is not generally protected except in very limited circumstances.
 - After you have raised a concern, we will decide how to respond in a responsible and appropriate manner. This will usually involve making internal enquiries, but it may become necessary to carry out a full investigation which may be formal or informal depending on the nature of the concern raised. We will endeavour to complete investigations within a reasonable time.
 - We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.
 - If you use this policy to raise a concern which you reasonably believe to be in the public interest, we assure you that you will not suffer any form of retribution or detrimental treatment.

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- Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

4 Protecting the Whistleblower

4.1 Your legal rights

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for PTS to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. PTS cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

4.2 Harassment or Victimisation

PTS is committed to good practice and high standards and to being supportive of you as an employee.

PTS recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

PTS will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

4.3 Support to you

Throughout this process.

- You will be given full support from senior management
- Your concerns will be taken seriously
- Prospect Training Services will do all it can to help you throughout the investigation

If appropriate, PTS will consider temporarily re-deploying you for the period of the investigation, this may include homeworking.

4.4 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to act as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

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4.5 Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the PTS. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegations from other sources

4.6 Untrue Allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, PTS will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken

5 Raising a Concern

5.1 Who should you raise your concern with?

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:

- Your Line Manager
- The PTS HR Department
- Via the dedicated email at whistleblower@trainandrecruit.com
- The Managing Director
- Anonymously by writing to The HR Manager, Prospect Training Services, Unit C4, Brunel Court, Waterwells Business Park, Quedgely, Gloucester. GL2 2AL

5.2 How to raise a concern

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to act. You will need to provide the following information:

- The nature of your concern and why you believe it to be true
- The background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within PTS and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite you're a trade union representative, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

6 What we will do

PTS will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

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The overriding principle for PTS will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e., by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may

- be investigated by management, internal audit, or through the disciplinary/grievance process
- be referred to the police
- be referred and put through established safeguarding procedures
- form the subject of an internal inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you.

- acknowledging that the concern has been received
- indicating how PTS proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the person(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

PTS will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, PTS will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation

7 Responsible Person

The Human Resources Manager has overall responsibility for the maintenance and operation of this Policy.

8 Taking the Matter Further

This Policy is intended to provide you with an avenue within PTS to raise concerns. PTS hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the business, the following are PTS's prescribed contacts:

- your trade union
- the police
- other relevant bodies prescribed by legislation; the HR Manager will be able to advise you on who you can contact

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If you raise concerns outside PTS, you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.

You should not disclose information that is confidential to the PTS or to anyone else, such as a client or contractor of the PTS, except to those included in the list of prescribed contacts. This Policy does not prevent you from taking your own legal advice.

8 Review of this Policy

PTS shall review this policy every two years as a minimum.

9 References

[Whistleblowing for employees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees)

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