

1. Introduction

Whistleblowing is the reporting of certain types of wrongdoing. It may involve a past or current incident or one which is predicated to happen in the near future. It concerns matters in the public interest or that of the company e.g. matters involving governance, conflicts of interest, financial, safety etc.

The Public Interest Disclosure Act 1998 protects whistleblowers and The Employment Rights Act 1996 protects employee who must not be treated unfairly or lose their job as a result of their allegations.

Staff are often the first to identify a wrongdoing within an organisation but may not report the matter because they consider it to be disloyal to their colleagues or Xact. This policy encourages and enables staff, individual's or stakeholder's to raise any wrongdoing within Xact rather than reporting a wrongdoing outside the organisation.

2. Definitions

Individual: Those receiving our services e.g. apprenticeship provision, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Staff: Employee, agency worker, contractor, sole trader e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal verifier, internal quality assurer, end point assessor etc.

Stakeholders: Apprentice, apprentice employer, training provider, customer, users, supplier and those with whom we associate

Whistleblower: Member of staff, individual or stakeholder who reports a wrongdoing e.g. an activity that is illegal, illicit, unsafe, fraudulent, immoral or an abuse of funds

Xact: Xact Consultancy & Training Limited, Xact Consultancy and Xact Training Limited trading as Xact Assessment

3. Declaration

Xact is committed to the highest possible standards of openness, correctness and accountability. In line with that commitment, we expect staff, individual's or stakeholder's who have concerns about wrongdoing in any aspect of our activities to report the matter.

4. Aim

The purpose of this policy is to:

- a) provide an avenue for staff, individual's or stakeholder's to confidentially report a wrongdoing
- b) receive feedback on our response to a report of wrongdoing

- c) ensure staff, individual's or stakeholder's are aware of how to pursue the matter if unsatisfied with our response
- d) reassure staff, individual's or stakeholder's that they will be protected from possible reprisals or victimisation if they reported the wrongdoing in good faith

5. Scope

This procedure applies to, but is not limited to, allegations of wrongdoing about:

- a) conduct which is an offence or breach of law
- b) matters relating to miscarriages of justice
- c) health and safety risks
- d) damage to environment
- e) unauthorised or misuse of company funds
- f) possible fraud or corruption
- g) racial, sexual, disability or other discrimination
- h) sexual, physical or verbal abuse, bullying or intimidation
- i) abuse of authority
- j) other unethical conduct

Note: Other policies available which may be appropriate include: Grievance Procedure, Complaints Policy

6. Safeguards

Xact recognises that the decision to report a wrongdoing may be challenging. Whistleblowers have nothing to fear because they will be doing their duty to Xact, their colleagues and to stakeholders.

Xact will not tolerate harassment or victimisation of whistleblowers and will take appropriate action to protect them when they report a wrongdoing in good faith.

7. Confidentiality

Xact will not disclose the whistleblower's identity other than those investigating the matter without their consent, except in situations where Xact has no alternative e.g. disciplinary action, court proceedings etc.

Please note that staff, individual's or stakeholder's must:

- a) disclose information in good faith
- b) believe the information they provide to be substantially true
- c) not act maliciously or make false allegations
- d) not seek personal gain

8. Anonymous Allegations

This policy encourages whistleblowers to include their name in their allegation as anonymous allegations are often difficult to substantiate or prove.

Allegations made anonymously are less powerful and will be considered on a case-by-case basis at the discretion of a PMG member. In exercising discretion to accept an anonymous allegation, factors to be taken into account are:

- a) seriousness of allegation
- b) credibility of allegation, *and*
- c) whether allegation can realistically be investigated from sources other than complainant

9. False allegations

No action will be taken against a whistleblower who makes an allegation in reasonable belief that the information they provide is substantially true, even if the allegation is not substantiated.

Disciplinary or contractual action may be taken against a whistleblower who makes an allegation without reasonable belief that the information they provided is substantially true e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public or company interest.

10. Reporting a wrongdoing

Whistleblowers should report their concerns verbally or in writing to a manager. In cases of serious or sensitive matters or a manager is suspected of wrongdoing, they should report their concerns to a PMG member. The finance director must be notified of all allegations of financial irregularities.

11. Investigation

All whistleblowing reports will be investigated. An investigator will be appointed by the PMG, who conducts an investigation and reports their findings to PMG.

12. Investigation Outcomes

The PMG determines an appropriate response to the investigation findings.

13. Record keeping

A record will be kept of:

- a) Whistleblowing reports
- b) Investigation
- c) Investigation findings and outcomes

Public
Whistleblowing Policy



14. Monitoring

The record will be reviewed quarterly by the PMG.

15. Independent advice

Independent advice is available via Public Concern At Work:

www.pcaw.co.uk

020 7404 6609

whistle@pcaw.co.uk