

WHISTLEBLOWING POLICY



Policy Group: People

Effective: July 2024

Approved: Louise Clough, Director of People

Responsible Officer: Caitlin McPherson, People &
Culture Coordinator

Next Renew Date: July 2025

Ref no: 1.5



GUIDANCE

Vision

Transform lives through learning

Values



PASSIONATE - We are passionate about inspiring young people, adults and our Purple People to be their best and we take pride in creating a positive learning environment to fulfil their potential.



UNSTOPPABLE - We are unstoppable in our quest for the pursuit of excellence. We are dedicated and resilient to develop ourselves and our learners.



RIGHT - We treat each other with respect and strive to do the right thing through insight, inclusion, honesty, growth and trustworthiness.



PARTNERSHIPS - We support the people surrounding us in our everyday lives, building effective partnerships with businesses, learners and all stakeholders where we can pass on our knowledge and skills to help them meet their goals.



LEARNERS - Learners are at the centre of everything we do and we are driven to provide life-changing and life-long learning for them.



EMPOWERED - We encourage our Purple People to be independent and autonomous to maximise their goals surpassing their barriers and targets. Feel it, believe it, live it.

Tone of voice

Our tone of voice takes its direct influence from our core values. We are passionate about people and learners and are driven to get the best out of everyone by understanding them. We are caring and supportive, as well as being determined and striving for growth. We talk with purpose and enthusiasm in a way that connects and empowers people.

Innovation is at the heart of Learning Curve Group and we're always thinking about what's next!

SUMMARY CHANGES

| Date | Page | Details of Amendments |
|------------|------|--|
| 07/01/2020 | 1 | Deleted a repeat paragraph |
| 20/01/2021 | 10 | Amended Stage 2 and 3 in Appendix 2 |
| 20/01/2021 | 14 | Amended flow chart – Appendix 3 |
| 20/01/2021 | 7 | Deleted repeated paragraph |
| 20/01/2021 | 8 | Clarified that investigation can be carried out by appropriate manager, overseen by Director of People |
| 09/03/2022 | 3, 4 | Updated terminology to “protected disclosure” |
| 09/03/2022 | 3 | Clarification in cases that are not protected disclosures the grievance procedure is adhered to. |
| 06/07/2022 | 5 | Addition of other external agencies |
| 16/01/2023 | 14 | Addition of NSPCC number for external safeguarding concerns |
| 26/07/2023 | All | Annual Review |
| 23/07/2024 | All | Annual Review |
| 23/07/2024 | 7 | Addition of names for key contacts |
| 23/07/2024 | 9 | Addition of outcomes |
| | | |

INTRODUCTION

Learning Curve Group is committed to the highest standards of openness, probity, and accountability.

An important aspect of accountability and transparency is having a mechanism to enable our people and other members of Learning Curve Group (LCG) to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's business.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

Applies to

All Employees and workers employed by us. Other individuals including Learners, Associate Staff, and Partners are also encouraged to follow the procedure set out in the policy.

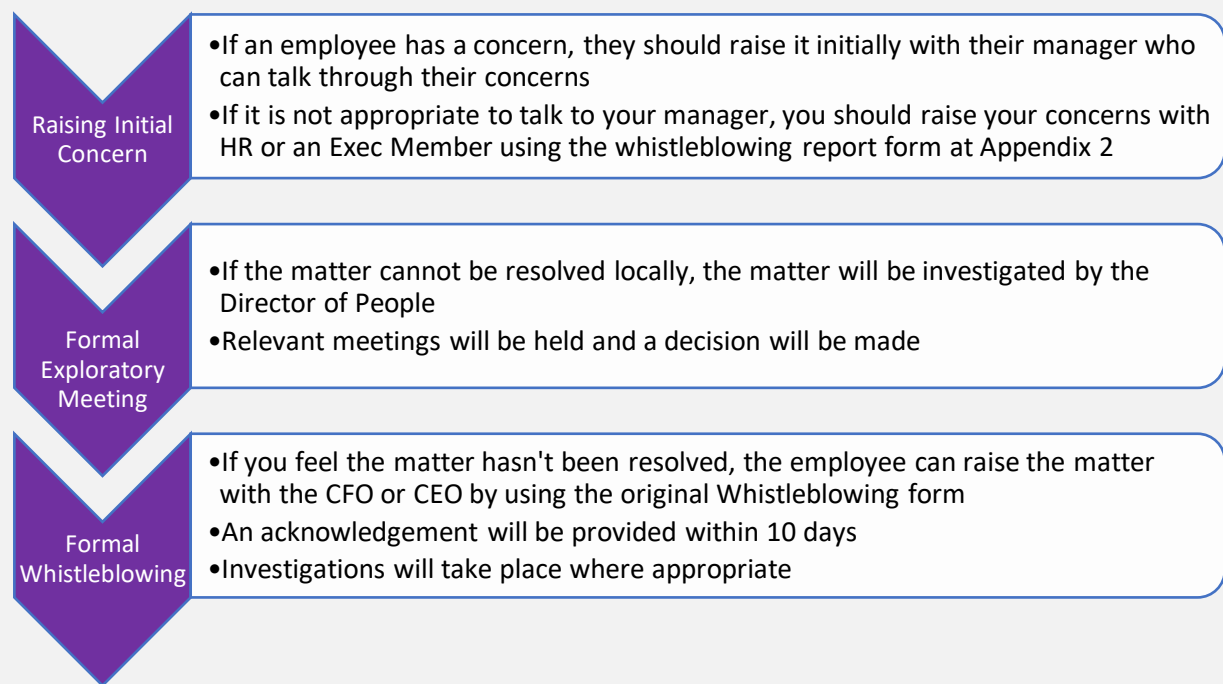
Reason for policy

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employer because of reporting certain serious concerns. LCG has endorsed the provision set out below to ensure that our people will not feel at a disadvantage because of raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the company, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

This policy and procedure do not form part of your terms and conditions of employment and can be changed at any time as we deem appropriate.

POLICY



It is important to Learning Curve Group that any fraud, misconduct or wrongdoing by colleagues, workers or officers of the organisation is reported and properly dealt with. We therefore encourage all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "protected disclosures". A protected disclosure is one made in the public interest by a worker who has a reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation
- Concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for colleagues to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

Learning Curve Group encourages all colleagues to raise their concerns under this procedure in the first instance. If colleagues are not sure whether to raise a concern, they should discuss the issue with their line manager or the HR department.

If the concern / complaint relates to an employee personally or an individual; that does not qualify as a protected disclosure and the Grievance procedure will be adhered to.

Principles

The key principles for whistleblowing are:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. You should be watchful for illegal or unethical conduct and report anything of that nature that you become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No one will be victimised for raising a genuine matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.
- Victimisation of a colleague for raising a protected disclosure will be a disciplinary offence.
- If misconduct is discovered because of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction given to you to cover up wrongdoing is itself a disciplinary offence. If you are told not to raise or pursue any concern, even by a person in authority such as your Line Manager, you should not agree to remain silent. You should report the matter to a Director.

Making a Disclosure

The policy is designed to offer guidance to those who disclose such concerns. Appendix 1 shows the procedure to be followed when making a disclosure. The template for the disclosure form can be found at Appendix 2. Appendix 3 is a flow chart to show you what actions to be taken at each stage.

When making a disclosure, individuals must ensure:

1. It is made in good faith. If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against the individual.
2. Reasonably believe malpractice or impropriety is evident. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.
3. If an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the whistle blowing procedure. In an extreme case, malicious or wild allegations could give rise to civil action by the person complained about.
4. Disclosure is delivered confidentially and in a sensitive manner, by following the process described in this policy. The identity of the individual making the allegation may be kept confidential, so long as it does not hinder any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.
5. The disclosure is made in writing, even if the initial contact is by telephone. If you are worried about doing this, we would prefer you to provide an anonymous disclosure to us, rather than not raise a concern about a malpractice at all. We may need to disclose your identity where we are required to do so, for example, by law, but we take the issue of maintaining the confidentiality of whistle-blowers seriously and we will protect your identity as far as possible.

Reporting in Good Faith

If you make an allegation in good faith, but it is not confirmed by investigation, no action will be taken against you. If, however, you make allegations that are malicious or simply to cause anger, irritation or distress, disciplinary action may be taken against you.

Who should I contact?

We recognise that, due to the potential sensitivity of the situation, you may not always feel comfortable about discussing your concerns internally. As soon as you become aware of any suspected wrongdoing, you should notify the matter to one of the people below:

- Your Line Manager
- Your Department Head
- HR
- Your Director

Or, in situations where you feel uncomfortable in approaching these people, as you feel that they may not manage your issue appropriately or this would serve no purpose:

- The Director of People – Louise Clough
- The Chief Financial Officer – Geoff Weir

Concerns raised under this policy will relate to our colleagues but may also relate to the actions of a third party, such as a supplier. It may be appropriate for you to raise your concerns directly with the third party where you believe that the wrongdoing identified or suspected relates solely or mainly to their conduct or is a matter which is their legal responsibility. However, you should consult your Director before speaking to any third party.

Who can use the reporting process?

This policy can be used by any employee. We encourage learners, associate staff, partners, shareholders, customers and other third parties to use this policy to report suspected wrongdoing.

Learners

Learners will be informed of the whistle blowing process, when and how it might be used at their induction. Learners if appropriate, should disclose their concerns to the tutor or alternatively a member of the management team, who will alert a member of the Executive Team.

How do I speak up and what information should I provide?

You can raise your concerns by email, orally or in writing, stating that you are using the Whistle Blowing Policy and following the procedure in Appendix 1. There is a template form in Appendix 2.

You should be prepared to provide the information below:

- An outline of the known or suspected wrongdoing
- Details, to the best of your knowledge, about when, where and how it occurred
- A list of the names of those suspected of being involved (both internally and externally)
- A list of the names of anyone who may have relevant information

- Details of how you came to know about the suspected activities
- What, if any, do you estimate to be the value of the loss to Learning Curve Group or other parties
- What, if any, breaches of internal controls, policy, procedure or other requirements you believe took place
- Any specific recommendations you have for actions
- The names of anyone who you have discussed or reported this incident to
- Your name and contact details. Please note – these will be kept confidential as far as is reasonably practicable
- The date and time of making the report

You will not be expected to prove the wrongdoing that you believe you have witnessed or suspect.

Anonymity

We understand that disclosures made under this policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure. When this is the case, we will endeavour to investigate your concerns fully, although a full investigation may be impeded if we cannot obtain further information from you.

What happens following speaking up?

The person you contact will acknowledge receipt of your concern within 5 working days and reply to your contact to discuss the next steps with you.

The person managing the meeting may report the incident to other internal departments. For example, in a case of suspected fraud, the Chief Financial Officer will be informed. Please be assured that these matters will always be kept confidential and where possible, the details of the person or persons reporting the incident will be removed.

Investigation

We will decide how to respond in a responsible and appropriate manner under this policy. An investigation will be conducted as speedily and sensitively as possible in accordance with all relevant laws and regulations. If appropriate, you will be regularly informed on the progress of these investigations and any action to be taken. The purpose of this investigation is:

- To establish if a wrongdoing has occurred, and if so to what extent; and
- To minimise the risk of further wrongdoing, to prevent any further loss of assets, damage to reputation and to protect all sources of evidence

We will endeavour to handle investigations as fully, promptly and fairly as possible. As far as reasonably practicable, the confidentiality of the person reporting the suspected wrongdoing will be maintained.

It is not possible to set a specific timeframe for completion of investigations in advance, as the diverse nature of potential disclosures makes this unworkable. Most investigations will be managed internally but we may appoint an external investigator or investigating team if we think it appropriate. The process for the management of investigations is outlined in Appendix 1.

Any person found to be involved in any wrongdoing will be subject to investigation using the local disciplinary procedure (in the case of employees) or may have their SLA terminated (in the case of associates). Where it is believed that criminal activity has taken place, the matter may be reported to

the police and appropriate legal action taken. Discussions may need to also take place with other external agencies such as Customs and Excise, Department of Work and Pensions, Inland Revenue.

Outcome

LCG will prioritise any concerns raised under this policy and ensure an investigation is carried out. Following on from this investigation, the individual raising the concerns may not be informed of the outcome of the investigation. For example, where another employee is disciplined following the investigation, this would be confidential information between LCG and the other employee. However, if you feel that your concerns have not been resolved, this can be escalated to stage 3 of the whistleblowing process as outlined in Appendix 1.

Reporting Allegations of Fraud

Fraud means any theft or other misappropriation of money or property. All actual or suspected incidents of fraud should be reported without delay to your line manager who must then notify the Chief Financial Officer.

All cases involving suspected fraud, will be investigated in line with our Fraud Prevention Policy.

DEFINITIONS

Whistleblower – a person who informs on a person or organization regarded as engaging in an unlawful or immoral activity.

Vexatious allegations – any complaint, concern or claim made which:

- Clearly does not have any serious purpose or value
- Is designed to cause disruption or annoyance or create disproportionate inconvenience or expense
- Has the effect of harassing colleagues
- Can otherwise fairly be characterised as obsessive or manifestly unreasonable

Malicious allegations – any complaint, concern or claim made where:

- There is evidence of intention to do harm or mischief, either explicit or implied
- In the absence of any clear evidence, it is reasonable to assume the complainant intended to do harm or mischief
- A genuine complaint seeks redress, malice might be implied where it is clear that no redress is sought

An allegation should not be deemed malicious simply because:

- It threatens harm or mischief (e.g., to bring LCG into disrepute) if demands for redress remain unsatisfied
- It may lead to outcomes which might be embarrassing to the company or bring the us into disrepute
- There is no obvious request for redress is stated

RELATED POLICIES

Group 1

Disciplinary Policy

Grievance Procedure

Anti-Bullying and Harassment Policy

Modern Slavery and Human Trafficking Statement

Group 2

Safeguarding Policy

Group 6

Anti-Bribery Policy

Fraud Prevention Policy

APPENDIX 1

How to Raise a Concern

These guidelines should be followed when reporting a concern.

Stage One – Raising your initial concern

If you witness or suspect there is some wrongdoing or malpractice taking place or about to take place, it is important to keep calm and discuss the issue informally with your line manager. They will help you think about what has happened and help you decide if there is a genuine problem.

If it is not appropriate to raise concerns with your line manager, then the matter should be raised with a member of the Executive Team. Your initial concern should be raised as soon as possible and submitted using the LCG Whistleblowing Report Form – Appendix 2. The aim of this early informal discussion is to promote prompt resolution. At this stage the Executive team member will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower to preserve confidentiality.

If the issue is resolved at this stage, no further action is required.

Stage Two – Formal

If the concern/issue cannot be resolved locally, the matter will be escalated to the Director of People who will oversee or conduct the investigation. An investigation meeting will be held by an appropriate manager and if necessary relevant investigating personnel. The concern will be explored and discussed fully. This meeting should be documented, and a report will be completed for the CEO.

The meeting may decide:

- There is no case to answer and further action is not justified – the reason for this decision must be made clear to you
- The matter could be resolved through mediation – if you are happy with this, the other party will be informed, and discussions will take place
- There is a case to answer, and the matter will be referred to a disciplinary hearing

Stage Three – Appeal/Immediate Escalation

If your concern/complaint has not been resolved at either stage one or two of this policy or if your concern requires immediate escalation to stage three, you can send (post or email) the original whistleblowing report Form along with the report to the Chief Financial Officer (CFO) OR the Chief Executive Officer (CEO) who will decide on the appropriate action.

Within 10 working days of receiving a stage three concern, the CFO or CEO will write to the discloser to:

- Acknowledge that the concern has been received
- Give an estimate of how long it will take it will take to provide a final response
- Explain whether any initial enquiries have been made
- Explain whether further investigations are to take place

If an investigation has not been carried out by Stage 3 and it is appropriate to do so, one will be carried out by an appropriate manager and a report compiled and submitted to the CEO. Stage three will follow the same stage 2 outcomes – no case to answer, mediation, referral to disciplinary hearing. This concludes the end of the process.

Points to note:

If the allegation relates to fraud, potential fraud or other financial irregularity the CEO will be informed within 5 working days of receipt of the allegation. The CEO will determine whether the allegation should be investigated and the method of investigation.

If the allegation concerns suspected harm to children, the appropriate authorities will be informed immediately. If the issue is around suspected harm to vulnerable adults or young people in the Safeguarding Policy should be referred to. If you do not feel able to report your concern internally, you can contact the NSPCC's dedicated helpline. This provides an alternative route for colleagues who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by LCG. Staff can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

LCG recognises the lawful rights of individuals to make disclosures to prescribed persons or bodies. A full list of prescribed bodies can be found on the Government Website www.gov.uk.

APPENDIX 2

Disclosure Form

This form may be used to submit a report to the LCG under the Public Interest Disclosure Act 1998.

| Whistleblowing Report Form | |
|------------------------------------|--|
| Contact Details of Reporter | |
| Title | |
| Forename | |
| Surname | |
| Organisation | |
| Job Title | |
| Telephone Number | |
| Email Address | |
| | |

| | |
|---|--|
| Contact Details of Suspect (where known) | |
| Title | |
| Forename | |
| Surname | |
| Job Title | |
| Department / Area | |
| Telephone Number | |
| Email Address | |
| | |

| | |
|-------------------------------------|--|
| Contact Details of Witnesses | |
| Title | |
| Forename | |
| Surname | |
| Organisation | |
| Telephone Number | |
| Email Address | |
| | |

Briefly describe the misconduct / improper activity and how you know about it. Specify what, who, when, where and how. If there is more than one allegation, number each allegation and use as many pages as necessary.

1. What misconduct/improper activity occurred?
2. Who committed the misconduct/improper activity?
3. When did it happen/when did you notice it?

4. Where did it happen?

5. Is there any evidence you can provide?

6. Are there any other parties involved?

7. Do you have any other details you think we should know about?

Whistleblowing Process flowchart

