

# WHISTLEBLOWING POLICY

2023-24



## DOCUMENT CONTROL

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## RECENT CHANGE HISTORY

VERSION	DATE	REASON FOR CHANGE	CHANGE BY
2	19/01/2022	Review	Gillian Dewsbury   Business Excellence Manager
3	10/08/2023	Full review and Update to consistent Policy template	Gillian Dewsbury   Business Excellence Manager

**Please Note:** A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance updates on the subject.

## CHANGE MECHANISM

Any person seeking to alter this document must consult the author before making any change.

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The person making the alteration must indicate every change between the previous (approved) document version and the altered document version.

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## Contents

1. Introduction .....	4
2. What is a Whistleblower? .....	4
3. Who is protected by the Law? .....	4
4. Complaints that count as whistleblowing .....	5
5. Complaints that do not count as whistleblowing .....	5
6. Who to tell and what to expect .....	5
a) Reporting to L&F Training .....	5
b) Reporting to a Lawyer; Prescribed Person or Body .....	5
7. Making your claim anonymously or confidentially .....	6
8. What L&F Training or a prescribed person will do .....	6
9. If you are not satisfied with how L&F Training dealt with your concern .....	6
10. L&F's commitment to the fair treatment of Whistleblowers .....	7
11. If you are treated unfairly after Whistleblowing .....	7
12. Associated Policies .....	7

## 1. Introduction

L&F Training is committed to following Government guidance and legislation in relation to Whistleblowing and the fair treatment of Whistleblowers, during and after an investigation into a Whistleblower raising a concern.

The Public Interest Disclosure Act 1998 is the legislation related to this policy. The Act was passed to encourage employees to come forward with disclosures of criminal behaviour or malpractice, without the fear of reprisal or dismissal.

This policy has been fully reviewed and updated in line with current guidance that can be found on the gov.uk website: <https://www.gov.uk/whistleblowing>

## 2. What is a Whistleblower?

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

## 3. Who is protected by the Law?

You are protected if you are a worker. In L&F Training this means:

- An employee of L&F Training
- Anyone working for L&F Training on a Freelance or Sub-contractor basis.
- This means any member of staff, even if they are still within their probationary period as a new staff member.
- Any external consultants utilised by L&F Training (i.e. carrying out work for L&F Training at any time).
- People who are training, but not employed.

Please Note: A confidentiality clause or 'gagging clause,' in a settlement agreement is not valid if you're a Whistleblower.

## 4. Complaints that count as whistleblowing

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

- A criminal offence, for example fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, for example does not have the right insurance
- You believe someone is covering up wrongdoing

## 5. 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.

Report these under L&F Training's Appeals, Concerns & Complaints Policy and Procedures.

## 6. Who to tell and what to expect

### a) Reporting to L&F Training

You can tell your manager or a senior manager in L&F Training; relevant to the disclosure you are raising (e.g. the HR Manager, Director of Operations, the Apprenticeship Manager or Designated Safeguarding Lead/Business Excellence Manager).

When you make your disclosure to L&F Training we will take the steps, listed in Section 8 below:

### b) Reporting to a Lawyer; Prescribed Person or Body

There are other options if you do not want to report your concern to your employer, 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 further education can be made to the Secretary of State for Education.

## 7. Making your claim anonymously or confidentially

You can tell L&F Training or a prescribed person anonymously, but it may not be possible to take the claim further, if you have not provided all the information needed to do so.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

## 8. What L&F Training or a prescribed person will do

L&F Training's manager whom you approach, or the prescribed person, will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you do not want anyone else to know it was you who raised the concern.

You will not have a say in how your concern is dealt with.

The manager in L&F Training or the prescribed person can keep you informed about the action they've taken, but they cannot give you much detail if they have to keep the confidence of other people.

A prescribed person cannot help you with your relationship with your employer.

L&F Training will generally take the following steps after you have made your disclosure and a decision is made for further action:

- L&F Training will investigate the disclosure/concern, if/as appropriate.
- This will involve interviewing relevant parties and research, where this is necessary to obtain further detail/evidence.
- L&F Training will also work with relevant external authorities, as appropriate in relation to the disclosure made (e.g. the police, if the disclosure relates to a criminal offence)
- Throughout the investigation process, you will be kept informed in general terms, but probably not in detail (as per above).
- You will be notified of the outcome of the investigation.

## 9. If you are not satisfied with how L&F Training dealt with your concern

Tell someone else in L&F Training (for example a more senior member of staff) or a prescribed person or body if you believe your concern was not taken seriously or the wrongdoing is still going on.

Other options include: Contacting the [Advisory, Conciliation and Arbitration Service \(Acas\)](#), or the whistleblowing charity [Protect](#) for more guidance.

## 10. L&F's commitment to the fair treatment of Whistleblowers

L&F Training is committed to the fair treatment of Whistleblowers. Any Whistleblower should not be treated any differently to any other member of staff. Any inappropriate behaviour (e.g. bullying, harassment or defamation) will be challenged and dealt with under the L&F Staff Conduct and Discipline Policy.

Any Whistleblower should therefore feel supported by L&F Training and secure in their job role.

However, any member of staff protected by this Whistleblowing policy and the corresponding Government guidance and legislation, is not exempt from actions in relation to inappropriate behaviour or misconduct.

Any member of staff (include former Whistleblowers) who behaves inappropriately or is guilty of misconduct, will still be challenged in accordance with the L&F Staff Conduct and Discipline Policy and this could lead, depending on the situation and subsequent investigation, to warnings or dismissal.

## 11. If you are treated unfairly after Whistleblowing

You can take a case to an [employment tribunal](#) if you've been treated unfairly because you've blown the whistle.

You can get further information from the [Advisory, Conciliation and Arbitration Service \(Acas\)](#), [Citizens' Advice](#), the whistleblowing charity [Protect](#) or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify [Acas](#) if you want to take your case to an employment tribunal.

## 12. Associated Policies

- L&F Appeals, Concerns and Complaints Policy and Procedure
- L&F Staff Conduct and Discipline Policy