

WHISTLEBLOWING POLICY AND PROCEDURE

1. Policy Statement

EKC Group is committed to the highest standards of openness, honesty and accountability. In line with this commitment we encourage employees, students and stakeholders and others that we deal with who have serious concerns about any aspect of the Group's work or environment to come forward to voice those concerns on a confidential basis.

The purpose of the Whistleblowing Policy is to enable concerns of malpractice that are in the public interest to be raised confidentially inside, and if necessary, outside the organisation. It is intended to encourage staff to inform management if they are concerned about serious malpractice, fraud or corruption. However, it is not meant to be another mechanism for employees to raise collective or personal grievances. The Grievance Procedure is in place to enable employees to lodge a concern relating to their employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

All are protected from victimisation, harassment or disciplinary action as a result of any disclosure, where the disclosure is made in the public interest and is not made maliciously or for personal gain. Where disclosures are made in the public interest, staff will have statutory protection under the Public Interest Disclosure Act 1998. The Group is also committed to ensuring compliance with the Bribery Act 2010.

The Group will not tolerate any form of harassment or victimisation and will take appropriate action to protect employees when they raise a concern in the public interest. If in the course of their employment, an employee becomes aware of information which they reasonably believe shows one or more of the following reasons for concern, they must use the Group's disclosure procedure as set out here. It does not include mismanagement which may arise from, for example, weak management rather than malpractice

Learners of EKC Group are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Assistant Principal or College Services Manager. Should a member of the public have a genuine concern then this should be raised directly with the Director of Governance in the first instance. This policy and procedure is designed for the use of workers of the Group.

This policy applies to all employees of the Group, including apprentices, any casual workers, employees of subcontractors and agency workers engaged by the Group. Employees who might be unsure whether it is appropriate to raise their concern under this policy are encouraged to approach the Director of Governance in confidence for advice.

Reasons to raise a concern are, for example:

- That a criminal offence has been committed is being committed or is likely to be committed
- That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health & safety of any individual has been, is being, or is likely to be endangered
- That the environment has been, is being, or likely to be damaged
- That the information showing any of the above is being, or is likely to be deliberately concealed
- That the Group or any associated person has been, is being, or is likely to be receiving or offering bribes
- That employees of the Group have accepted gifts or hospitality of a value above £50 which is in conflict with the Group's Anti-Bribery Policy

2. Relevant and Qualifying Disclosure

2.1 Importantly, and to guarantee protection under the regulations, a whistleblower must meet specified criteria so that their disclosure can be considered a qualifying disclosure under the Public Interest Disclosure Act 1998. These are as follows:

- The disclosure must be made to an appropriate person.
- The person making the claim must have reasonable belief that the wrongdoing is being or is about to be committed.
- The disclosure must reasonably believe it to be substantially true and that the disclosure is in the public interest.
- The person making the claim should not collect the information to support the allegation improperly

3. Disclosure Procedure

- 3.1 Any member of staff wishing to raise a concern should inform the Director of Governance, either verbally or in writing. If the Director of Governance is connected with the concern, then the Chair of Governors or Chair of the Audit Committee should be informed in the first instance through the Group Chief Executive Office.
- 3.2 If the concern is raised verbally, a written note will be made of the full details, a copy of which will be sent to the employee within 2 working days. If the concern is sent in writing, a written acknowledgement will be made within 2 working days of receipt.
- 3.3 In raising concerns, members of staff have the right to seek advice and be accompanied by a trade union officer or workplace colleague.
- 3.4 The Director of Governance shall ensure the concern is fully investigated as quickly as possible. This may include the appointment of independent investigators. If there is evidence of criminal activity, then the police would also be

Policy Owner: Director of Governance

Approving Body: Full Governing Body

Stage of approval: Approved

Date of approval: June 2022

informed.

- 3.5 If any significant instance of fraud, irregularity, or major weakness in the accounting or other control framework is suspected or discovered the Chair of the Audit Committee and the Chief Executive of the Education and Skills Funding Agency would be informed as soon as practically possible. The Audit Committee then have authority to commission a special investigation if agreed as the most appropriate course of action.
- 3.6 The Director of Governance may call upon the support of senior colleagues, the Governing Body or legal advice where appropriate. Any staff member concerned with the investigation would sign a confidentiality agreement.
- 3.7 Once the investigation is completed a response will be sent to the employee who raised the matter, in writing, to their home address or via their private email address.
- 3.8 If the investigation is prolonged the employee who raised the matter will be kept informed in writing as to the progress of the investigation. Employees will be told, as far as possible and subject to third party rights, what the outcome of their concern is.
- 3.9 In the event that the investigation confirms the alleged concern the Group's Disciplinary Procedure would normally be used to address the matter as appropriate. To ensure natural justice it may be necessary to seek the complainant's permission for their statement to be copied to the alleged perpetrator prior to any Disciplinary Hearing.
- 3.10 If the employee is not satisfied that their concern is being properly dealt with by the Director of Governance they have the right to raise this, confidentially in writing, with either the Chair of Governors or the Chair of the Audit Committee through the Group Chief Executive Office.
- 3.11 If the Governing Body finds the allegation unsubstantiated, employees have the right to raise their concern with an appropriate official external body e.g. auditors, funding bodies or their Member of Parliament. However, this resource should only be used when internal procedures have been exhausted.
- 3.12 If the concerns relate to the Governing Body, employees have the right to raise their concern with an appropriate official external body e.g. auditors, funding bodies or their Member of Parliament.
- 3.13 Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.
- 3.14 Appropriate action will be taken with any staff member that has harassed or victimised any employee following a disclosure.
- 3.15 An employee making a disclosure may want to confidentially request counselling or

Policy Owner: Director of Governance

Approving Body: Full Governing Body

Stage of approval: Approved

Date of approval: June 2022

other support from the Group's occupational health service. Any such request for counselling or support services should be addressed to the Director of HR. Such a request would be made in confidence.

- 3.16 The Group has a responsibility to ensure that those employees against whom concerns are raised are treated fairly, as any allegation made under this policy is a serious matter. The Group will take all reasonable steps to provide protection, as necessary. Employees may want to confidentially request counselling or other support from the Group's occupational health service. Any such request for counselling or support services should be addressed to the Director of HR. Such a request would be made in confidence. This will apply to alleged perpetrators and/or those who may be required to give evidence.
- 3.17 The Group will keep a record of all concerns raised under this policy (including cases where the Group deems that there is no case to answer and therefore that no action should be taken) and will report to the Full Governing Body on an annual basis as appropriate.

4. Confidentiality

- 3.1 The Group regards the confidentiality of the Whistleblowing process as a matter of uppermost importance. Any employee who raises a concern in conjunction with this procedure will have the right to have the matter treated confidentially and not to have their name disclosed to the alleged perpetrator of malpractice without their prior approval. Any correspondence concerning the matter will be sent to the employee's home address or to their private email address to ensure confidentiality.
- 3.2 The Group will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Group does not identify the employee making the disclosure without their written consent, or unless the Group is legally obliged to do so, for the purpose of seeking legal advice. Any departure from this procedure may result in the confidentiality status being lost and therefore it should be followed carefully.
- 3.3 No formal disciplinary action will be taken against an employee on the grounds of making a disclosure under this policy or procedure. This does not prevent the Group from bringing disciplinary action against an employee where the Group has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Group without reasonable grounds.
- 3.4 Employees can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House



244-254 Cambridge Heath Road
London E2 9DA

<https://protect-advice.org.uk/>

Whistleblowing Advice Line: 020 7404 6609 and 020 3117 2550

Email: whistle@protect-advice.org.uk

Policy Owner: Director of Governance
Approving Body: Full Governing Body
Stage of approval: Approved
Date of approval: June 2022