

Whistleblowing Policy & Reporting Procedure

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Approved by	Audit & Risk Committee		
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1	June 2021	Kathleen Formosa		This policy represents a complete redraft of the previous Whistleblowing Policy. It incorporates provision and protections for volunteers and students, and incorporates acknowledgement of safeguarding. It also defines and explains protected disclosures under the Public Interest Disclosure Act 1998.
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Whistleblowing Policy

1. Introduction

WEA has strong ethical values, and is committed to maintaining high standards of openness, honesty, probity, and accountability, and to safeguarding the public resources for which it is responsible. In line with this commitment, it encourages employees, volunteers and students with serious concerns about any aspect of WEA's work to come forward and voice those concerns if they have a reasonable belief that something is wrong. This policy makes it clear that such concerns can be raised without fear of reprisal and reflects the requirements of the Public Interest Disclosure Act 1998.

Contact information for specific roles and individuals mentioned in this policy are included in the list of "Key Contacts" attached (Annex 2).

This policy and procedure do not form part of the contract of employment or any other agreement and can be varied from time to time.

2. Definition

Whistleblowing is the process by which an individual raises a concern about a perceived past, current or future wrongdoing in an organisation or a body of people.

Matters that are against the public interest may be classed as a qualifying disclosure ("whistleblowing") which then provides legal protection for individuals making such disclosures under the Public Interest Disclosure Act 1998 ("PIDA").

3. Scope

This policy and the attached procedure apply to all those engaged in work (paid or unpaid) or learning with WEA, regardless of their status within the Association or their length of service. It provides advice on how they should address any personal matters of conscience or professional concern that they may experience in the course of their work or study. This may include something that they believe is fundamentally wrong, illegal, or endangers others within WEA or the public.

Employees, volunteers, and students are encouraged to raise any legitimate concerns they may have about a wrongdoing and will be afforded protection. All concerns arising from a reasonable belief that wrongdoing has occurred (or is occurring, or is likely to occur) will be handled responsibly, professionally, and in a positive manner, and help and support will be available where concerns are raised under the appropriate procedures.

4. What is PIDA?

PIDA provides protection for workers, volunteers, and others engaged by WEA (e.g., temporary workers, consultants, contractors, etc.) who raise legitimate concerns about specified matters.

PIDA protects disclosures about activity which is against the public interest. These are called qualifying disclosures. For example, if you suspect someone is committing fraud (such as falsifying expense claims) or corruption (such as manipulating a contractual process for personal

gain), or that health and safety standards prescribed by law are not being observed, these would be qualifying disclosures because these activities are illegal and therefore against the public interest.

A disclosure that qualifies for protection is a disclosure that, in the reasonable belief of the person making it, demonstrates that one or more of the following has occurred, is occurring, or is likely to occur:

- The improper use of charitable funds;
- A criminal offence;
- Unauthorised or inappropriate disclosure, misuse or loss of confidential, personal and/or sensitive information;
- Failure to comply with a legal obligation;
- Endangering an individual's health and safety;
- Poor quality of safeguarding, abuse or neglect;
- Damage to the environment;
- Deliberate concealment of information relating to any of the above;
- Improper or unethical conduct.

This list is not exhaustive.

As long as you hold a reasonable belief that the information you are reporting is true, then you will be covered by the protections set out in this policy, regardless of whether you are mistaken or the matter cannot be proved.

PIDA does not apply to disclosures about something which affects you personally, rather than the public interest. This policy does not deal with complaints relating to an employee's own treatment at work, or their contract of employment. Similarly, it does not deal with a volunteer's treatment in their voluntary role, or a learner's treatment in the learning environment. These matters should be raised under the Grievance Procedure or other procedures, as appropriate. An exception to this would be if an employee, volunteer or student had a concern relating to their own treatment in or by the Association arising from the whistleblowing matter they had raised previously.

5. Whistleblower Rights

Whistleblowers have the right to report any personal matter of conscience or concern they encounter in the workplace (or, for students, the learning environment). Whistleblowers also have a specific right to legal protection if they expose activities they reasonably believe to be illegal or against the public interest.

Whistleblower claims can be raised anonymously. However, this may mean that it is difficult to investigate the claim fully if the whistleblower has not provided enough information. For this reason, employees, volunteers and students are encouraged to provide their name so that a full investigation can be undertaken. Whistleblowers may ask for confidentiality when raising a concern, and WEA will respect this to the fullest extent possible. If it becomes clear that WEA is unable to investigate the issue or any part of the issue without revealing the whistleblower's identity, this will be discussed with them, taking into account their views and WEA's wider legal obligations before deciding whether or not to proceed with the investigation.

Employees, volunteers, and students are expected to raise only concerns which they believe to be true. An employee, volunteer, or student who acts in bad faith or raises malicious, vexatious

or knowingly untrue concerns will face disciplinary action which could result in removal or dismissal for gross misconduct.

Any employee, volunteer, or student raising a concern under this policy will not be subjected to a detriment, nor will they be dismissed or otherwise removed from their engagement with WEA for doing so. Anyone believing they have been subjected to a detriment for raising a complaint should raise the matter with the Company Secretary.

Victimisation of a whistleblower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

6. Support for Whistleblowers

WEA acknowledges that whistleblowing may be very difficult. Every step will be taken to ensure due protection and support for whistleblowers internally.

Employees may contact the free, confidential employee assistance programme available through Westfield Health for external support at any time before, during or after whistleblowing. The confidential support and guidance offered through Westfield Health may be accessed by calling Freephone 0800 0920987 and quoting company scheme number 72114.

Volunteers and students may find support through their local Citizen's Advice Bureau (www.citizensadvice.org.uk).

WEA's non-executive whistleblowing champion is the Chair of the Audit & Risk Committee. Please contact them directly should you have any comments or concerns about this policy and procedure, or its application.

7. Associated Policies & Procedures

WEA has a number of established policies, procedures and practices which provide guidance on how WEA deals with matters connected to whistleblowing, and on reporting and investigating matters related to but outside the scope of this policy, including:

- Anti-Bribery & Corruption Policy
- Safeguarding Policy
- Code of Conduct (separately for Employees, Volunteers and Students)
- Policies & Procedures on Data Protection
- Managing Conflicts of Interest
- Purchasing Regulations
- Expenses Policy
- Financial Regulations

All of these policies and procedures may be accessed on the WEA Intranet.

8. Review

This policy and its annexes will be reviewed following any significant investigation of wrongdoing. Otherwise, the policy shall be reviewed by the Audit & Risk Committee at intervals of no more than three years.

Annex 1: Reporting Procedure

Anyone raising a concern under this policy should try to provide the following information:

- The background history of the concern;
- Any relevant dates;
- Any evidence or grounds for suspicion behind the concern.

This information should demonstrate that there are reasonable grounds for concern. Proof is not required; just a reasonable, honest belief that wrongdoing has occurred, is occurring, or is likely to occur.

Anyone raising a concern under this policy has the right to do so anonymously. However, it is more difficult to investigate such disclosures especially if further information is required. It also means they are unlikely to be kept informed of any action resulting from the disclosure.

Anyone raising a concern under this policy who feels that they can reveal their identity to the person to whom the concern is reported may ask that their identity is not revealed to others and this will be respected. This does not mean that their identity could not be revealed in any circumstances. For example, following a disclosure resulting in legal action against individuals or organisations, they may be required to give evidence in court.

Anyone raising a concern under this policy may have help or support from a colleague, friend, or (for employees) a trade union representative at any or all stages of the procedure. They may also be accompanied by such an individual at any interviews which may be required.

Anyone raising a whistleblowing concern is expected to continue their normal duties throughout any investigation, unless this is deemed inappropriate.

There are three distinct stages to the Reporting Procedure.

Step 1 – Informal Approach

In the first instance, any personal professional matters of concern or matters of conscience experienced in the course of work should, if possible, be raised informally and resolved through your line manager or a member of the Leadership Team. While no proof is initially required, anyone raising a concern is expected to act in good faith and have a reasonable belief in the information being disclosed.

The line manager or member of the Leadership Team in receipt of the concern may instigate an investigation. This will be conducted sensitively and in accordance with WEA's documentation on Conducting Formal Investigations. They may arrange a meeting to discuss the case and you will be contacted to confirm who will be the case contact. You have the right to be accompanied to a meeting by a trade union representative, friend, or colleague who is not involved in the area of work to which the concern relates.

Step 2 – Formal Approach

If the concern cannot be resolved informally, or you do not feel able to address the issue informally due to the seriousness of the matter, you can raise your concern formally in writing and

send it to the Company Secretary or Finance Director of WEA. An acknowledgment will be made in writing, and an investigation undertaken.

On receipt of a disclosure, the Company Secretary or Finance Director will determine what further action, if any, is needed. This may include (but shall not be limited to):

- An internal investigation;
- A report to the police;
- A report to the external auditor; and/or
- Any combination of the above.

If the concern is in relation to the Company Secretary or Finance Director, then the Chief Executive should be the point of contact.

If the concern is in relation to the Chief Executive, then the Chair of the Audit & Risk Committee should be the point of contact via the Company Secretary.

In most circumstances, action in response to a whistleblowing complaint raised through the formal approach will involve a whistleblowing sub-committee being formed within 10 working days following acknowledgment of the whistleblower's written concern. Such sub-committee will normally comprise the CEO (unless the concern is about the CEO) and three Trustees. The sub-committee will consider and investigate the concern and may ask the whistleblower to meet with them. The whistleblower may request a personal hearing with the Committee and has the right to be supported or represented by a person of their choice.

The whistleblowing sub-committee will endeavour to reach its decision within 10 working days and will notify the parties accordingly. Where this proves impracticable due to the complexity of the case or external factors such as waiting for a key piece of information, the sub-committee will issue an interim report to include an expected timescale for the conclusion of their investigation.

The sub-committee will maintain minutes of their meetings and provide a written report of their findings with recommendations to the Board of Trustees. The Board will meet to consider the recommendations and decide on any action to be taken.

You will be kept up-to-date with the progress on the case when appropriate, and informed when the matter is concluded. If appropriate, you will be advised of the outcome of any action the Board may decide to take.

Step 3 – Referral to Prescribed Third Parties

Where attempts to raise matters internally have been unsuccessful or, exceptionally, you feel you cannot raise your concerns internally, you may consider raising the matter with the relevant regulatory authority. A complete list of prescribed bodies is available here: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/whistleblowing-list-of-prescribed-people-and-bodies)

For more advice on making a report to the appropriate prescribed body and/or for free and confidential legal support, you can contact the independent charity Protect (protect-advice.org.uk or 0203 1172520).

WEA also recognises that external disclosure may be made to the police or non-prescribed regulators such as professional bodies (e.g., the Institute of Chartered Accountants in England and Wales, or WEA's external auditor) and will give protection to the whistleblower, provided that:

- The disclosure is made in good faith;
- The whistleblower reasonably believes the information disclosed, and any allegation contained in it, are substantially true; and
- The disclosure is not made for purposes of personal gain.

And that one or more of the following conditions are met:

- The whistleblower reasonably believes, at the time the disclosure is made, that they will be subjected to a detriment by WEA for making an internal disclosure by the informal or formal approach;
- The whistleblower reasonably believes it is likely that evidence relating to the relevant failure will be concealed or destroyed if the disclosure is made internally; or
- The concern has been raised with WEA or a responsible person already but no action has been taken.

If the disclosure is made to other external bodies and is of an exceptionally serious nature which, in an adult educational setting, could include (*inter alia*) the alleged abuse or corruption of vulnerable adults, then the whistleblower will not be required to have raised the concern internally first.

To make a disclosure to a non-prescribed third party (e.g., the media) without first reporting concerns internally or to a prescribed third party could amount to a disciplinary matter and will be dealt with by WEA accordingly.

Annex 2: Key Contacts

The following list includes the key contacts mentioned in the Whistleblowing Policy and Procedure.

Contact	Name	Contact Details
Chair, Audit & Risk Committee	Michael Crilly	Post: WEA, 4 Luke Street, London, EC2A 4XW Email: mcrilly2@wea.org.uk Tel: 01912 734066
Chief Executive Officer	Simon Parkinson	Post: WEA, Joseph's Well, Hanover Walk, Leeds, LS3 1AB Email: sparkinson@wea.org.uk Tel: 07876 826864
Company Secretary	Kathleen Formosa	Post: WEA, 4 Luke Street, London, EC2A 4XW Email: kformosa@wea.org.uk Tel: 07747 116619
External Auditors	Crowe U.K., LLP Nicola May	Post: 55 Ludgate Hill, London, EC4M 7JW Email: Nicola.may@crowe.co.uk Tel: 02078 427100
Finance Director (Interim)	Dympna McCoy	Post: WEA, 4 Luke Street, London, EC2A 4XW Email: dmccoy@wea.org.uk Tel: 07765 740737