

<b>POLICY NAME</b>	WHISTLEBLOWING POLICY		
<b>POLICY REF</b>	PSPP25	<b>REVISION</b>	7
<b>AUTHOR</b>	S HAMER	<b>DATE</b>	31/01/2024
<b>APPROVED BY</b>	J HAMER	<b>NEXT REVIEW</b>	31/01/2025

### Introduction

Pentagon Skills is committed to ensuring that the business of the company is conducted openly and with accountability.

Pentagon Skills policies and procedures set out good practice and guidance for staff in the day to day conduct of Pentagon Skills and to manage risk. Pentagon Skills expect that concerns, complaints and grievances will normally be addressed through these routes. The whistle blowing Policy is an essential part of the internal control mechanism and provides an additional safeguard against fraud, corruption or malpractice in the interests of good governance. Pentagon Skills take malpractice seriously and staff are encouraged to make use of this procedure if they feel that it is appropriate to do so.

The Bribery Act 2010 defines bribery as giving or receiving a financial or other advantage about the improper performance of a position of trust or a function that is expected to be performed impartially or in good faith. Fraud is committed when a person dishonestly makes a false representation to make a gain for oneself or another or dishonestly fails to disclose to another person, information which one is under a legal duty to disclose, or commits fraud by abuse of position (Fraud Act 2006).

### Scope of the Policy

- The policy applies to all members and staff of Pentagon Skills, contractors, agency personnel, governors, shareholders.
- The policy conforms to guidance in the Public Interest Disclosure Act 1998 (PIDA) which is designed to protect employees who report wrongdoings in their organisation provided that they have an honest and reasonable suspicion that the allegation is true. PIDA has its origins in The European Convention on Human Rights which is incorporated into UK law by the Human Rights Act 1998. The PIDA came into force on 2 July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing.
- The procedure set out in Part B provides guidance for employees who wish to raise concerns about, malpractice confidentially and outside the line management structure with protection against victimisation or discrimination.

### Policy

- Concerns should be raised at the earliest opportunity internally in the first instance and further steps taken only when these have not been properly addressed.
- Malpractice which might be disclosed through the Whistle blowing procedure includes improper conduct likely to prejudice the good standing of Pentagon Skills. Examples are breaches of internal procedures, criminal offences or breaches of civil law, endangering the health and safety of any person, misuse of public money, environmental damage or deliberate concealment of any malpractice.
- Confidentiality will be maintained so far as is reasonably possible but there might be circumstances where the identity of a whistleblower would be revealed to receive the protection of the PIDA.

- Accusations made anonymously are difficult to follow up and substantiate. The Public Interest Disclosure Act offers protection but employees should understand that to deal with Whistleblowing properly it is unlikely that anonymity can be retained. False allegations made Maliciously will be treated as a disciplinary matter.
- Disclosure outside the company to an independent body is the final resort but only if the whistleblower honestly and reasonably believes that the allegations are substantially true and there is good cause and justification for not pursuing matters internally.

## **Part B**

### **Principles of Investigation**

- Every effort will be made during an investigation of a whistleblowing disclosure to protect the individual(s) concerned, to maintain accurate and confidential records and to avoid alerting others who may be involved that a concern has been raised.

### **Written Statement**

- Concerns should be put in writing and addressed to either Scott Hamer or Joanne Hamer, either verbally or in writing and the matter will be treated as confidential.
- If the matter is raised in writing, then it should include the background and history of the concern and the reason as why they are concerned about the issue.
- Individuals will need to show the person contacted that there are reasonable grounds for their concern, although they will now be expected to prove beyond doubt the truth of their claim.

### **How we will Respond**

- An initial assessment will be carried out by the Managing Director and or Directors to establish whether the concerns may be resolved without the need for an investigation; require urgent action before an investigation; fall within the scope of specific procedures and so be dealt with under that specific format e.g. Equal Opportunities Policy; or require an investigation and if so, what form it should take.
- Acknowledge the concern to whoever raised it within ten working days, indicating how the matter will be dealt with, how long approximately it will take to provide a final response, state whether any initial enquiries have taken place, and advise whether further investigations will take place and if not, why not.
- Inform, where appropriate, the person against whom the allegations have been made of the nature of the issue and how likely the matter is likely to be dealt with.

### **Safeguards**

Harassment, victimisation or discrimination or disadvantage of any individual will not be tolerated when they are acting in good faith and PENTAGON SKILLS will act to protect such individuals. Nevertheless, if investigations make clear that the individual who disclosed the information has acted maliciously or for personal gain, that person may be subject to disciplinary action. PENTAGON SKILLS will also do what it can to protect a person's identity when they raise a concern and do not want their name disclosed. However, it must be considered that after any investigation has begun the source of the information may be revealed or a signed statement may be required as part of the evidence, which may be needed in a court of law.

### **How the Matter Will Be Taken Further.**

This policy is intended to provide members of staff of Pentagon Skills with a channel to raise

concerns. If they feel it is right to make the matter outside Pentagon Skills, the following are possible contact points:

- Police
- Trade Union
- HSE
- CQC
- Highfield Qualifications