

Public Interest Disclosure – Our Policy



Public Interest Disclosure Policy

Version: 2.7; effective from August 2024

Policy Summary: The Public Interest Disclosure policy document (whistleblowing) is a summary of the Cheynes Training approach to the protection from detrimental treatment of those who report incidents of public interest.

Introduction

The Public Interest Disclosure Act, 1998 aims to promote greater openness in the workplace and, by amending the Employment Protection Act 1996, it protects "whistleblowers" from detrimental treatment, including victimisation or dismissal, for raising concerns about matters in the public interest. In providing this protection, the Act also reinforces the obligations of all persons employed by the organisation not to disclose to external sources any trade secrets or confidential information acquired during their employment unless they fall within the scope of qualifying for a public interest disclosure.

This statement sets out the policy of Cheynes Training and provides advice and guidance on the scope of the policy. It explains that anyone who has a reasonable belief that there is serious malpractice relating to any of the protected matters specified in the policy may raise a concern or make a disclosure under the procedure described in this policy. There is also information about the rights to raise a concern or make a disclosure externally if they are not satisfied with the response of Cheynes Training and/or the protection afforded to them if they choose to raise the matter externally after internal procedures have been exhausted.

1. Purpose

All Cheynes Training team members are under an obligation implied in their contract of employment to give honest and faithful service to their employer. This includes an obligation not to disclose to external sources any trade secrets or confidential information acquired during their employment, or act in a manner that will undermine the mutual trust and confidence on which their employment relationship is based. The Public Interest Disclosure Act, 1998 complements those obligations by providing protection to employees for raising a concern or making a disclosure without malice and in good faith of certain specific confidential information either internally or to a third party in defined circumstances. These are outlined below in Section 2 below.

- 1.1 The purpose of this policy is to provide a means by which employees can raise a concern or make a disclosure should they have reasonable grounds for believing there is serious malpractice within the organisation. Cheynes Training encourages anyone to raise a concern or make a disclosure through the procedures laid down in this policy document.

2. Scope of the Policy

This policy explains how to raise concerns or make a disclosure relating to the specific issues which are in the public interest and are listed in 2.1 below, and which fall outside the scope of other Cheynes Training policies and procedures.

- 2.1 The policy/

2.1 The policy deals with specific concerns that are in the public interest, this includes the following list of protected issues:

- A criminal offence
- Failure to comply with legal obligations of the company
- Financial or non-financial maladministration, malpractice, impropriety, or fraud
- Academic or professional malpractice
- A risk to the health or safety or the safeguarding of any individual
- Improper conduct or unethical behaviour
- Failure to protect the equal rights of any individual
- Serious discriminatory or harassment behaviour towards any individual
- Environmental damage
- Attempts to suppress or conceal any information relating to any of the above

2.2 If any concern raised or disclosure made in relation to any of the above issues appears to the investigator to relate more appropriately to grievance, bullying or harassment, or discipline, those procedures will be invoked under the appropriate Cheynes Training policy.

3. Who can raise a concern

A concern may be raised, or a disclosure made, by anyone who believes there is malpractice relating to any of the protected matters specified in 2.1 above; the concern should be raised following the process detailed in Section 4 below. Any concern raised under the protected list may relate to an individual or to individuals. Concerns must be raised without malice and in good faith, and the individual raising the concern must reasonably believe that the concern raised, and any information disclosed, along with any allegations made, are substantially true and must not be made for purposes of personal gain.

- 3.1 Cheynes Training will ensure that anyone who raises a concern or makes a disclosure in line with this policy, will not be penalised or suffer any adverse treatment for doing so; however, any employee who does not act in good faith or does not have grounds for believing the concern to be substantially true, or is made in order to make personal gain, or makes it maliciously may be subject to disciplinary proceedings.
- 3.2 To protect an individual raising a concern or making a disclosure, it is preferable for the individual to provide their name. If the law permits and upon request, the identity of the individual will be kept confidential provided it does not hinder any investigation. Anonymous concerns or disclosures are not covered by this procedure; however, they may still be recorded, investigated, or acted upon at the discretion of the board of directors of Cheynes Training, after considering the seriousness of the issue, the credibility of the concern or disclosure, and the feasibility of investigating the matter.

4. Procedure for reporting a concern or making a disclosure

Normally any concern or disclosure about a protected matter should be made in the first instance to the managing director of Cheynes Training who will then report the concern to the board of directors of Cheynes Training Ltd.

- 4.1 If the concern or disclosure is connected to the managing director of Cheynes Training, a concern or disclosure may be made to another director or a senior manager who will report the matter to the board of directors of Cheynes Training Ltd.
- 4.2 The directors/

- 4.2 The directors of Cheynes Training will decide whether the matter should be dealt with under this procedure or under a different procedure, for example, by the individual reporting the concern or disclosure to an outside agency; should this be the case, the board will advise the person making the disclosure of the appropriate steps that should be taken.

5. Inquiry Process

The directors of Cheynes Training will acknowledge a concern in writing within five working days. The directors will decide on the initial action to be taken. This will depend on the nature of the concern raised or disclosure made, the decision of the directors will be one of the following:

- To dismiss the concern due to insufficient evidence
- To arrange an internal enquiry to look more deeply into the concern
- To refer the concern to an outside agency
- To recommend the concern be reported as a possible criminal offence

The person raising the concern or making the disclosure will be informed of the decision and the reasons behind the decision, and about what happens next.

- 5.1 If a decision is made to dismiss the concern due to insufficient evidence, the reasons will be explained as fully as possible to the individual who raised the concern.
- 5.2 If a decision is made to arrange for an internal inquiry to take place, the person raising the concern will be informed of the planned timescales and the name of the person leading the enquiry and how they can be contacted.

6. Internal Inquiry

- 6.1 Any internal inquiry will be conducted by an independent auditor appointed by the directors of Cheynes Training.

The auditor will report his or her findings to the directors, who will decide if there is a case to answer and if so, the procedure to be followed. The decision could be one of the following:

- There is no case to answer
- The matter would be more appropriately handled under existing procedures for grievance, bullying and harassment, or discipline
- the matter must be referred to other authorities.
- Should the matter be considered as a possible criminal offence, the matter will be reported to the police, and the Department for Education will be informed. This matter must be reported to an outside agency, for example the Police, for further investigation

- 6.2 The individual raising the concern or making a disclosure will be informed in writing of the action to be taken.
- 6.3 If the person making the disclosure is unhappy with the outcome from the internal enquiry, they have the right to refer the concern to an outside agency.
- 6.6 Should an investigation or referral lead the person conducting the investigation to conclude there has been a breach of Cheynes Training's discipline, the person or person's responsible may, in addition to any civil or criminal proceedings, be subject to action taken by Cheynes Training including any disciplinary action in accordance with the appropriate disciplinary procedures for the relevant category of staff.

7. Records

A written record will be kept of each stage of the procedure.

8. Reporting of outcomes

The persons deciding on the issues will make a report of all disclosures and subsequent actions taken. This record should be signed and dated by the person investigating the incident(s) and by the person who made the disclosure. Where appropriate the formal record need not identify the person making the disclosure, but in such a case that person will be required to sign a document confirming that the complaint has been investigated. Such reports will normally be retained for at least five years. In all cases a report of the outcome will be made to the board of directors of Cheynes Training Ltd, which will refer the report on appropriately if necessary.

9. Advice for employees raising a concern

Cheynes Training acknowledges the difficult choice an employee may have to make in raising a concern. As the issues that prompt the concern are likely to be complex, how the employee proceeds with his or her concern will vary from situation to situation.

9.1 The following advice is recommended if an employee wishes to make a disclosure:

- Make any objections to illegal, unsafe, or unethical practices promptly to avoid any misinterpretation of the motives for doing so
- Focus on the issues and proceed in a tactful manner to avoid unnecessary personal antagonism that might distract attention from solving the problem
- Be accurate in his/her observations and claims and keep formal records documenting relevant events.

9.2 Cheynes Training also recognises that any person raising a concern may also wish to seek independent legal advice.

10. Complaints of retaliation because of disclosure

Cheynes Training accepts that it has an obligation to ensure that anyone who makes a disclosure without malice and in good faith is protected, regardless of whether the concern raised is upheld. Any person who has made a disclosure and who feels that, as a result, he or she has suffered adverse treatment should submit a formal complaint detailing what has been done to him or her. If it appears that there are reasonable grounds for making the complaint, the onus will be on the person against whom the complaint of adverse treatment has been made to show that the actions complained of were not taken in retaliation for the disclosure.

10.1 Where it is determined that there is a prima facie case that a member of staff has suffered adverse treatment, harassment or victimisation as a result of his or her disclosure, a further investigation may take place and disciplinary action may be taken against the perpetrator in accordance with the relevant procedure.

11. External disclosure

If, having exhausted this procedure, the person making the disclosure is not satisfied with Cheynes Training's response and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true, he or she is at liberty to take the matter further by raising it with certain bodies or persons such as:

- A legal adviser/

- A legal adviser
- A Member of Parliament
- Other bodies or persons (if any) prescribed by the Secretary of State under Section 43F of the Employment Protection Act 1996, as amended by Section 1 of the Public Interest Disclosure Act 1998.

11.1 Anyone who makes an external complaint in good faith to any prescribed body or person after exhausting Cheynes Training's procedure will be protected against victimisation or other adverse treatment.

12. Training and Awareness

We are committed to providing training on this policy to all team members at induction. The policy will be easily accessible to all through our internal communication channels including the Cheynes Training website.

13. Review and Updates

This policy will be reviewed annually to ensure effectiveness and compliance with legislation

Last Review: November 2024

Next Review: November 2025

Melanie Mitchell,
managing director
July 2024