



## **Whistle Blowing Policy**

<b>Purpose</b>	
Policy detailing the use of 'Whistleblowing' to make a disclosure in the public interest.	
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Disclosure, malpractice,	
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**Whistleblowing POLICY**  
**(Public Interest Disclosure Act 1998)**

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## **1. Introduction**

Whistleblowing denotes when a concerned person, such as a member of staff, stakeholder or customer raises concerns or reports suspected wrongdoing or malpractice within the Company. Officially this is called 'making a disclosure in the public interest'.

Acorn's Whistleblowing Policy recognises the key piece of legislation relating to Whistleblowing, which is the 'Public Interest Disclosure Act 1998', which protects employees and workers regardless of age and length of employment. Acorn recognises the amendment of the 'Enterprise and Regulatory Reform Act 2013', requiring employees to demonstrate they reasonably believe that the disclosure they are making is in the public interest.

A concerned person may "blow the whistle", whereby they report or "make a disclosure" regarding the Company. A disclosure concerns things that aren't right, are illegal or if anyone at work is neglecting their duties. These constitute the criteria for whistleblowing; they are the 'qualifying disclosures' and they include:

- Criminal offences
- Failure to comply with legal obligations
- Miscarriages of justice
- Danger to the health and safety of employees
- Damage to the environment
- A deliberate attempt to hide or cover up any of the above

A disclosure is protected by the 'Public Interest Disclosure Act 1998' legislation if it is made in good faith. This means that the discloser must believe that their disclosure is substantially true and that they are making the disclosure without malice. The 'Enterprise and Regulatory Reform Act 2013' requires the employee to also demonstrate that they reasonably believe their disclosure to be true and in the public interest.

## **2. How to make a disclosure**

One can "blow the whistle" or make a disclosure to the Managing Director or Operations Director. However, in circumstances where the whistle blower feels unable to make the disclosure to the Managing Director or Director of Operations and Growth, disclosures should be made to certain prescribed bodies.

To make a disclosure a whistle blower, if they feel comfortable to do so, should contact a line manager, a senior manager or the HR representative with their concerns. The whistle blower should endeavour to the best of their ability to ensure that their disclosure is made as soon, as accurately, as appropriately and as clearly as practicable.

However, if the whistle blower feels that they can't tell a manager or the Managing Director or the Director of Operations and Growth, they should make their disclosure to a prescribed person or body.

A disclosure should be made to a prescribed person or body, rather than to the Company only if the whistle blower feels that the company:

- Will cover it up
- Would treat them unfairly if they complained
- Hasn't sorted it out and they've already told them

In these circumstances a whistle blower can make their disclosure to the prescribed body or person.

A list of prescribed bodies 'Blowing the whistle to a prescribed person; List of prescribed people and bodies' specifies the appropriate person or body for whistle blower to contact if they feel unable to make their disclosure to the company.

It is available from:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf) on the government website [www.gov.uk](http://www.gov.uk).

### **3. Protection from dismissal**

An employee of Acorn is someone who has a contract of employment with Acorn Training Ltd (or any trading name under which Acorn operates). An employee cannot be dismissed because of whistleblowing. Any employee dismissed because they made a disclosure can claim unfair dismissal.

An employee is protected from dismissal in law if their whistleblowing meets the criteria of the 'qualifying disclosures', which includes reporting:

- That someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- That the company isn't obeying the law
- That someone is knowingly covering up wrongdoing

If an employee makes a disclosure where they honestly believe that what they are reporting is true and that they believe they are telling the right person, they are eligible for protection.

Workers who aren't employees of Acorn cannot claim unfair dismissal because of whistleblowing, but they are still protected and can claim 'detrimental treatment'. This applies to:

- Agency workers
- People that are training with Acorn, but not employed
- Self-employed workers, if supervised or working off-site