Whistleblowing Policy and Procedure

Date established:	May 2003
Updated:	Oct 2026
Reviewed:	Annually
Purpose:	This policy and procedure aims to set out MITSkills' position regarding the disclosure of concerns about serious malpractice without recrimination

1 Introduction

In the UK, the term "whistleblowing" itself **does not have a strict statutory legal definition**, but the action it describes is explicitly defined and protected in law as **"making a protected disclosure"**

This procedure refers to workers. This is because the Public Interest Disclosure Act 1998 (checked Oct 25) applies to a wider group of individuals than just employees. It also applies to casual workers, certain agency workers, and third-party contractors whose work is controlled by the company and those working under training contracts.

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects "whistle-blowers" from detrimental treatment, i.e., victimisation or dismissal, for raising concerns about matters in the public interest.

This statement sets out the company's policy and provides, in some detail, advice and guidance to all workers on the scope of the policy. It explains that any worker 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 under the procedure set out below, without fear of reprisals.

There is also information about the rights to raise the matter externally if those who make disclosures are not satisfied with the company's response and the protection afforded to them.

The company will investigate and deal properly and sensitively with any allegations of wrongdoing raised. The company encourages all workers to raise matters of concern responsibly through the procedures laid down in this policy.

The DfE/DWP has required the following to be added to the Feedback and Complaints Policy and Procedure of all training providers.

"The Training Provider's Feedback and Complaints Procedure: Add the clause as follows:

The Training Provider will ensure that it has in place and complies with an effective whistleblowing procedure, approved by the body responsible for the management of the Training Provider, whereby staff may raise in confidence concerns about possible malpractice without fear of victimisation, subsequent discrimination, or disadvantage. The procedure must be published on the Training Provider's public-facing website. The Training Provider will regularly review the

procedure, including securing approval from the body responsible for the management of the Training Provider of any amended procedure." (Checked 2026)

MITSkills notes that we have a separate complaints procedure and policy, which must be read separately and covers this contract point, along with this document; both will be published on our website.

2 Scope of the Policy

If you genuinely believe that the company or any worker of the company has taken, is intending to, or has failed to act, which you reasonably believe will lead to or amount to:

- A criminal offence.
- Failure to comply with the legal obligations of the company.
- Financial or non-financial maladministration or malpractice or impropriety, or fraud.
- Academic or professional malpractice.
- A risk to the health or safety of any individual.
- Environmental damage.
- A miscarriage of justice.
- Improper conduct or unethical behaviour; and
- Attempts to suppress or conceal any information relating to any of the above.

You can disclose this information orally or in writing to the person or organisation set out below. If you make such a disclosure, you should provide full details and, where possible, supporting evidence.

3 Who can raise a concern?

Any worker who has a reasonable and genuine belief that there is serious malpractice relating to any of the protected matters specified in Section 2 above may raise a concern under the procedure detailed below.

It is important that the issues set out in Section 2 above are dealt with sensitively and quickly. Anonymous disclosures are strongly discouraged as they are likely to hinder effective investigation. However, if you disclose information in accordance with this procedure, so far as is reasonably practicable, your identity will be kept confidential.

The company will promptly investigate your allegation and will take whatever action it considers appropriate. Your assistance may be required during the investigation. Your allegation will be addressed seriously, and you will be informed of the outcome of the investigation as soon as is practicable.

If you reasonably believe that the nature of your concern relates to any of the areas set out in Section 2 above and you disclose this information to the appropriate person under this procedure in good faith, no action will be taken against you for making the disclosure.

The company will take appropriate action against any worker:

- Found to be victimising another worker for using this procedure, or deterring any worker from reporting genuine concerns under it, or

- Making a disclosure/allegation maliciously, or where there were no reasonable grounds for believing that the information supplied was accurate.

For those people employed directly by the company, there may be disciplinary action, which may result in dismissal.

4 Procedure

Normally, any disclosure about a protected matter should be made in the first instance to:

Your Line Manager or HR

The person to whom the disclosure is made will decide whether the matter should be dealt with under this procedure. If she/he considers that the matter should be dealt with under a different procedure, she/he will advise you as to the appropriate steps to be taken.

5 Process

The person to whom the disclosure is made will normally consider the information and decide whether there is a prima facie case to answer. She/he will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be:

- Investigated internally.
- Referred to the External Auditors.
- The subject of independent enquiry.

Some matters, following investigation, will need to be referred to the relevant outside body, e.g., the Police or Funding Body, etc. If the person to whom the disclosure is made decides not to proceed with an investigation, the decision will be explained to you, as fully as possible. It is then open to you to make the disclosure again to another of the persons specified in Section 4 above.

6 Investigation

Any investigation will be conducted as sensitively and speedily as possible. You will be notified of the intended timetable for the investigation. The person to whom the disclosure is made may authorise an initial investigation to establish the relevant facts. The investigation may be conducted by an internal auditor in the case of a financial irregularity, or by another person.

The investigator will report his/her findings to the person to whom the disclosure was made, as soon as is reasonably practicable, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority to set up a special internal independent investigation or referring to some external authority, such as the police, for further investigation.

7 Records

An official 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 you and the Investigating Officer.

Where appropriate, the formal record need not identify the person making the disclosure, but in that case, you 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.

9 Advice for staff raising a concern.

The Company acknowledges the difficult choice you may have to make in raising a concern.

The following advice is recommended if any worker 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 tactfully to avoid unnecessary personal antagonism, which might distract attention from solving the problem; and
- Be accurate in his/her observations and claims and keep formal records documenting relevant events.

You may also wish to seek independent legal advice.

10 Complaints of retaliation because of disclosure

The Company accepts that it has an obligation to ensure that those who disclose without malice and in good faith are protected, regardless of whether the concern raised is upheld.

All those who have made a disclosure and who feel that, as a result, they have suffered adverse treatment should submit a formal complaint under the grievance procedure as set out in the Employee Handbook detailing what has been done to him/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.

Where it is determined that there is a prima facie case that a worker has suffered adverse treatment, harassment, or victimisation because of their 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, you are not satisfied with the Company's response and reasonably believe that the information disclosed, and any allegation contained in it, are substantially true, you are at liberty to take the matter further by raising it with certain bodies or persons, such as

- A Member of Parliament.
- A legal adviser; or

- For DfE-related issues, you may make a disclosure directly to DfE. A link explaining how to make direct disclosures to the DfE, as the main funding body, can be found here (Checked Oct 26)
- https://www.gov.uk/guidance/blowing-the-whistle-to-the-department-for-education

- 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.

If you make an external complaint in **good faith** to any prescribed body or person after exhausting the Company's procedure, under a **reasonable belief** that the disclosure is **true** and **without private gain**, you will be protected against victimisation or other adverse treatment.

12 Further Guidance

Further guidance about whistleblowing for employees can be found at the government website https://www.gov.uk/whistleblowing (checked 2026). Alternatively, a whistleblowing charity that advises and supports individuals and organisations is Protect; the link to their website is https://protect-advice.org.uk/ (Checked 2026)

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