



## Whistleblowing Policy & Procedure

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### DOCUMENT CONTROL

Version	Name	Comment	Date
1.0	A.Dann	Full rewrite inclusion of advice provided in Financial Handbook ESFA.	01.02.2024
1.1	V. Marlor	Inclusion of BePro and ECTA	30.09.2024
1.2	B Waite	Review and update on details of whistle blowing advice line	30.09.2025

## **Policy Statement**

For the purpose of clarity, the term “B2W” refers to the family of B2W Group organisations – Back to Work Complete Training, Just IT, BePro and ECTA

### **1.0 Aim**

B2W Group is committed to operating in an ethical and principled way. The aim of this policy is to provide workers with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings. The group encourages workers to raise genuine concerns about suspected wrongdoings at the earliest practicable stage.

This policy is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with any of the providers under the B2W Group. This policy aims to offer an assurance to staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in good faith.

### **1.1 Overview**

Staff members are often the first to realise that there may be something seriously wrong within an organisation. They may, however, not express their concerns because they fear that speaking up would be disloyal to their colleagues or the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern.

This policy applies to all staff engaged by the B2W Group and offers assurances that staff may report concerns without fear of victimisation, subsequent discrimination, or disadvantage.

This policy supports the confidential reporting within the B2W Group of any serious concern, rather than ignoring it or ‘blowing the whistle’ outside the organisation.

### **2.0 Scope**

This policy and associated operating procedures apply to all workers and apprentices of the B2W Group, which includes B2WCT, JustIT, BePro and ECTA.

### **3.0 Applicability of this policy and procedure.**

- This policy applies to all workers of the B2W Group including apprentices; and workers which includes any casual workers; home-based casual workers; and workers of subcontractors; and Agency workers engaged by the Group.
- Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the Group’s grievance procedure. Any worker in this situation is encouraged to approach a manager in confidence for advice.
- This policy does not form part of the contract of employment and can be amended at any time.

### **4.0 Protected Disclosures**

- The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

- The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a **specific subject matter** and the disclosure must also be made in an appropriate way. A '**protected disclosure**' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

## 5.0 Subject Specific Matter

All UK workers will be protected under the **Public Interest Disclosure Act 1998**, where they make a protected disclosure. These are disclosures of information, which in the reasonable belief of the worker making the disclosure, cover the following activities:

- A criminal offence has been, is being, or is likely to be, committed.
- That a person has failed, is failing or is likely to have failed to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- That health and safety of an individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged; and
- That information relating to the above is being deliberately concealed.

## 6.0 Procedure for making a disclosure

- Information which a worker reasonably believes tends to show one or more of the situations given in Section 5 (above) should promptly be disclosed to a manager so that any appropriate action can be taken.
- If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with another manager who should then notify the Group Director of Quality & People.
- If the disclosure relates to one of the providers Managing Directors or equivalent, a worker can raise the issue with the Group CEO. In the event that the disclosure relates to the CEO, a worker can raise the issue with the Chair of the Board of Governors.
- Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Group will not be in a position to notify the individual making the disclosure of the outcome of action taken by the Group. Anonymity also means that the Group will have difficulty in investigating such a concern.
- The Group reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
  - The seriousness of the issues raised in the disclosure.
  - The credibility of the concern; and
  - How likely it is that the concern can be confirmed from attributable sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Group Director of Quality & People.

## 7.0 Procedure for investigation of a disclosure

- When a worker makes a disclosure, B2W will acknowledge its receipt, in writing, within a reasonable time.
- B2w will then determine whether or not it believes that the disclosure is wholly without substance or merit.

If B2W considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for B2W's decision and advised that no further action will be taken under this policy and procedure.

**Considerations to be considered when making this determination may include the following:**

- If the B2W is satisfied that a worker does not have a reasonable belief that
  - suspected malpractice is occurring; or
  - If the matter is already the subject of legal proceedings or appropriate action by an external body; or
  - If the matter is already subject to another, appropriate B2W procedure.
- When a worker makes a disclosure which has sufficient substance or merit warranting further action, the B2W will take action it deems appropriate (including action under any other applicable B2W policy or procedure). Possible actions could include internal investigation; referral to the Group's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
  - If appropriate, any internal investigation would be conducted by a manager of B2W without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the B2W as appropriate. Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer, such as the Group Director of Quality & People, to investigate the concern.
  - Any recommendations for further action made by the B2W will be addressed to the Group CEO or Chair of the Board of Governors as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
  - The worker making the disclosure will be notified of the outcome of any action taken by the B2W under this policy and procedure within a reasonable period of time. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Group CEO within five working days of the outcome being communicated. The Group CEO will make a final decision on action to be taken and notify the worker making the disclosure. If it is not appropriate for the Group CEO to be involved in the decision making, the issue should be referred to the Chair of the Governance Board instead.
  - All complaints under this procedure will be dealt with as speedily as practicable. There are no set timescales for the investigations, as they need to remain flexible, bearing in mind the variations in time required depending on the complexity of the concerns raised. However, the complaint will be acknowledged immediately, and a written response will be provided within ten working days. Where the matter remains under investigation at that time, the complainant will be kept informed of progress.
  - All communications with the worker making the disclosure should be in writing and sent to the worker's home address rather than through the B2W's internal mail.

## **8.0 Safeguards for workers making a disclosure.**

- A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the B2W Group and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. For confidentiality purposes, if the worker requests to raise their concern verbally, it would be appropriate for B2W to allow the worker to do so.

- B2W will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by B2W does not identify the worker making the disclosure without their written consent, or unless B2W is legally obliged to do so, or for the purposes of seeking legal advice.
- No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent B2W from bringing disciplinary action against a worker where B2W has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside B2W without reasonable grounds.
- A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the B2W for making a disclosure in accordance with this policy and procedure. Equally, where a worker is threatened, bullied, pressurised, or victimised by a colleague for making a disclosure, disciplinary action will be taken by the B2W against the colleague in question.

## **9.0 Disclosure To External Bodies**

- This policy and procedure has been implemented to allow workers to raise disclosures internally within B2W. A worker has the right to make a disclosure outside of the B2W where there are reasonable grounds to do so and in accordance with the law, although workers should consider taking advice from the free, confidential helpline provided by Protect before doing so.
- Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website. In this instance, the worker must reasonably believe that the matter falls into the organisation's area of responsibility and that the information disclosed and allegations made are substantially true.
- Workers can also make disclosures on a confidential basis to a practising solicitor or barrister, in the course of obtaining advice.
- A disclosure can be made directly to the DFE/ ESFA via email: [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk). Or can be contacted by letter:

### **ESFA**

Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

## **10.0 Further Assistance**

- The B2W Group will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Group CEO.
- Workers can review ESFA guidance on whistleblowing procedures: [How ESFA handles whistleblowing disclosures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures)
- Workers can also contact Protect a whistleblowing charity that advises and supports individuals and organisations. Contact details are as follows:

### **Protect**

The Green House 244-254, Cambridge Heath Road, London, E2 9DA

Confidential Whistleblowing Advice Line: 020 3117 2520

Online: [Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

## 11.0 Associated Information and Guidance

Fraud and Bribery Definitions

### **Definitions of fraud**

**Fraud**: any person who dishonestly makes a false representation to make a gain for themselves or another or dishonestly fails to disclose to another person, information which he is under a legal duty to disclose, or commits fraud by abuse of position, including any offence as defined in the Fraud Act 2006.

**Fraud by false representation**: by dishonestly making a false representation intending by making the representation to make a gain for yourself or another, or to cause loss to another or expose another to risk of loss. A representation is false if it is untrue or misleading, and the person making it knows that it is, or might be, untrue or misleading. An example of this would be an employee submitting a false expense claim form for payment.

**Fraud by failing to disclose information**: by dishonestly failing to disclose to another person information which you are under a legal duty to disclose and intends, by failing to disclose the information, to make a gain for themselves or another, or to cause loss to another or expose another to the risk of loss. An example of this would be an employee failing to disclose a criminal conviction that would affect their working practices.

**Fraud by abuse of position**: by occupying a position in which you are expected to safeguard, or not to act against the financial interests of another person, and dishonestly abusing that position, intending, by means of the abuse of that position, to make a gain for themselves or another, or to cause loss to another or to expose another to a risk of loss.

An example of this would be a Finance Director diverting company monies from an employer's bank account into their own personal bank account.

For the purpose of reporting fraud under this policy the following matters are included:

- False accounting
- Bribery and corruption
- Deception and collusion.

### **Definitions of Bribery**

**Bribery**: 'Giving (or offering) or receiving (or requesting) a financial or other advantage in connection with the improper performance of a position of trust, or a function that is expected to be performed impartially or in good faith.' (Bribery Act 2010).

The Bribery Act 2010 repeals existing legislation. It has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures

to prevent bribery and corruption taking place. Under the Act, Bribery is defined as “Inducement for an action which is illegal unethical or a breach of trust”. Inducements can take the form of gifts loans, fees rewards or other privileges. Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours payments or benefit in kind which may influence the improper action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

To demonstrate that the B2W has in place sufficient and adequate procedures and to show openness and transparency all staff are required to comply with the requirements of the Policy.

## **Related Policies**

The following related policies and procedures are available within the B2W’s SharePoint:

- Anti-Fraud Policy
- Anti-Bribery and Corruption Policy
- Disciplinary and Dismissal Policy and Procedures
- Financial Regulations [Financial handbook for independent training providers - Guidance - GOV.UK](https://www.gov.uk/government/publications/financial-handbook-for-independent-training-providers-guidance)  
([www.gov.uk](https://www.gov.uk))

## **Whistleblowing Process Flow Chart**

Concerns can be raised by any of the following channels

1. Through a member of the management team.

2. Through the Grp Director Quality & People

3. If the allegation concerns the Grp Director of Quality & People report to CEO.

Grp Director Quality & People (or proxy if allegation concerns them) informed of allegation.  
Allegation added to whistleblowing register

If allegation does not concern Grp Director Quality & People and or concerns CEO.

If allegation does not concern the Grp Director Quality & People

If allegation concerns the CEO report to Chair of Governance Board

Inform Board if not already done so

Immediate acknowledgement of receipt of allegations

Seek advice from ESFA or Group Auditors

**Investigation**

Grp Director Quality & People to arrange investigation by senior manager or by external professional advisors.

Feedback to initiator of concern within 10 days although investigation may be ongoing

Outcome of investigation reported to board.

Inform initiator of outcome of the investigation.

If initiator dissatisfied have option to raise with the CEO/ Chair of governance.