

Whistleblowing Policy

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Version
V9

Equality Impact Assessed
30/06/25

Information Governance Assessed
30/06/25

Approved by
Thomas Harley

Date of Approval
01/07/25

Date of Review
01/07/26

Classification
Public



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Introduction

It is important to Get Set UK that any fraud, misconduct or wrongdoing by employees or other workers is reported and properly dealt with. The company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Whistle Blowing is the everyday term used to describe a disclosure made to someone in authority alleging corruption, malpractice or wrongdoing on the part of another person. In employment whistle blowing refers to an employee (“whistle blower”) making a disclosure about a colleague’s conduct in the course of employment, or about employer’s practices.

Policy Statement

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

Background

The Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called "protected disclosures". A protected disclosure is one made in good faith by an employee who has a reasonable belief that one, or more, of the following is being, has been, or is likely to be, committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;
- abuse of a service user.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the company's responsibility to ensure that an investigation takes place. An employee who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he or she has made the disclosure.

The company encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether to raise a concern, they should discuss the issue with their line manager or the Responsible Officer, Cat Steel (Corporate Governance Director).

Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

No employee will be victimised for raising a matter under this procedure. This means that the

continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he or she has raised a legitimate concern.

Victimisation of an employee for raising a protected disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure the company's disciplinary procedure will be used.

Maliciously making a false allegation is a disciplinary offence and the Public Interest Disclosure Act does not give any protection to someone who makes a malicious disclosure. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the Responsible Officer, Cat Steel (Corporate Governance Director).

How Does the Whistleblowing Policy Work?

Protected Disclosure

In order to make a protected disclosure, you must have a reasonable belief that the issue you wish to "blow the whistle" about is in the public interest. It is important to bear in mind that you do not have to be correct in your belief or have proof of alleged wrongdoing, but you must have a reasonable belief that wrongdoing has been, or is likely to be committed. You have no responsibility for investigating the matter - it is Get Set UK's responsibility to ensure that an investigation into your disclosure takes place.

Safeguards: Harassment or Victimisation

Get Set UK is committed to good practice and high standards and will be supportive of its employees, workers and volunteers. Get Set UK recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you should have nothing to fear because you will be taking the right course of action for your employer and those for whom you are providing a service. Get Set UK will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by disciplinary or redundancy procedures that already affect you.

Confidentiality

If you so wish, all concerns will be treated in confidence and every effort will be made not to reveal your identity. At the appropriate time, however, you may need to come forward as a witness. This policy encourages you to put your name to your concern whenever possible.

Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Corporate Governance Director, in conjunction with the CEO and (if applicable) Board Members.

In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

You may be asked to justify your original complaint, especially if the initial investigation does not confirm it.

Untrue Allegations

Where it is found that the whistle-blower makes an allegations maliciously, and:

- Does not act in the public interest
- Makes an allegation without having reasonable grounds for believing it to be substantially true
- Collects the information to support the allegations improperly, or
- Makes an allegation for personal or 3rd party gain.

They will be subject to formal disciplinary action, up to and including dismissal and in some cases may be subject to criminal investigation where illegality has occurred in order to achieve those aims.

Additionally, where this criterion is met or the employee engages in improper conduct in relation to whistleblowing, they are unlikely to be protected as a whistle-blower under the PIDA Act.

How to Raise a Concern

As a first step, you should normally raise concerns with your immediate manager or his/her senior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you believe that management is involved, you can contact the Responsible Officer, unless the complaint is against the Responsible Officer too or is in any way related to the actions of the Responsible Officer. In such cases, the complaint should be passed to the CEO for referral.

Concerns may be raised orally initially but should be confirmed in writing. Employees, workers or volunteers who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates); and
- The reason why you are particularly concerned about the situation.

The Responsible Officer will provide any help you need in expressing your concern.

The earlier you express the concern, the easier it is to take action. Although you are not expected to prove beyond all reasonable doubt the truth of an allegation, you will need to demonstrate to the person contacted that on the balance of probabilities there are reasonable grounds for concern.

If, exceptionally, the concern is about the most senior person in Get Set UK (CEO, Thomas Harley) then you should report to one of the Board members, Ammar Yousef, Kevin Moore or Andy Milton, who will be responsible for further investigation.

Name	email
Cat Steel, Corporate Governance Director (Responsible Officer)	whistleblowing@getsetuk.co.uk
Thomas Harley (CEO)	thomas@getsetuk.co.uk
Board members	board@getsetuk.co.uk

If you want to make a whistleblowing disclosure to the Responsible Officer anonymously, you can send the disclosure from an email address that is not connected to your work email or your name (you can set one up for free within Google, outlook etc).

How Get Set UK Will Respond

Get Set UK will respond to your concerns as soon as is practical. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- Be investigated by an external investigator, management, internal audit, or through the disciplinary process;
- Be referred to the Police;
- Be referred to the external auditor; and
- Form the subject of an independent inquiry, for example, through the Area Child Protection Committee for child abuse.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle that Get Set UK will have in mind is the public interest. Concerns or allegations that fall within the scope of specific Get Set UK or statutory procedures will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person you raised the whistleblowing allegation to will write to you:

- Acknowledging that the concern has been raised;
- Indicating how Get Set UK propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling you whether any initial enquiries have been made;
- Supplying you with information on staff support mechanisms; and
- Telling you whether further investigations will take place and if not, why.

The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, Get Set UK will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Trade Union or professional association representative or a workplace colleague.

Get Set UK will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings Get Set UK will arrange for you to receive advice about the procedure and where appropriate financial or other support.

Get Set UK accepts that you need to be assured that the matter has been properly addressed.

Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

As the investigation progresses, you will be kept informed as to any developments, as far as is possible under constraints that may apply.

The Responsible Officer

The Responsible Officer (Cat Steel, Corporate Governance Director) has overall responsibility for the maintenance and operation of this policy. A record will be maintained of the concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the CEO and Board of Directors.

How the Matter can be Taken Further

This policy is intended to provide you with an avenue within Get Set UK to raise and resolve concerns. Get Set UK hopes you will be satisfied with any action taken. If you are not, and on the basis that you have exhausted Get Set UK's internal processes, you have the option to take the matter outside Get Set UK. The following are possible contact points:

- Your Trade Union;
- Your local Citizens' Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- The Police.

If you do take the matter outside Get Set UK, you should be careful to ensure that your claim meets the definition of a "protected disclosure" and that you do not disclose unrelated confidential information (which would be a breach of your contract of employment). You should check before such disclosures are made, e.g. with your Trades Union, Professional advisor or Citizen's Advice Bureau.

Lastly, if your concern relates to a third party organisation with whom you have come into contact during the course of your work, but who is not acting on behalf of Get Set UK, and you are dissatisfied with the response you receive via Get Set UK (who will have raised the matter on your behalf), you may also choose to raise this matter externally – although first taking care that your disclosure is "protected" and that you do not include any unrelated confidential information regarding Get Set UK, its employees, workers or volunteers, stakeholders or service users.

Related Policies and Procedures

- Complaints Policy
- Disciplinary Policy and Procedure
- Grievance Procedure
- Learner Code of Conduct & Disciplinary
- Malpractice and Maladministration Policy
- Anti-bribery & Incentives Policy Statement and procedures

Related Legislation

- **Employment Rights Act 1996** : <https://www.legislation.gov.uk/ukpga/1996/18/contents>

Version Control

Version	Date	Purpose / Changes	Author
2018 V2	October 2018	Annual review	Lisa Russell
2019 V3	October 2019	Annual review	Lisa Russell
2021 V4	October 2020	Annual review	Lisa Russell
2021 V5	July 2021	Full policy review: order of policy sections changed	Ponja Pataj
2022 V6	01/07/22	Annual review	Ponja Pataj
2023 V7	01/07/23	Annual review	Cat Steel
2024 V8	01/07/24	Annual review	Cat Steel
2025 V9	01/07/25	Annual review	Cat Steel