

Whistleblowing Policy

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| Policy Author | Jamie Crinigan |
| Approved by | Amerjit Singh & Board |
| Position | Managing Director |
| Approved date | March 2025 |
| Signed |  |
| Next review date | April 2026 |



1. Introduction

Skills4 is the trading name of I & F limited. Skills4 is a niche training provider offering commercial, and government funded Adult Skills and apprenticeship training programmes to community pharmacies, hospitals, hubs, and primary care networks.

2. Overview

At Skills4 (“the Company”) we are guided by our company values. These values are the foundation of how we conduct ourselves and interact with each other, our clients, members, suppliers, shareholders, and other stakeholders.

The policy has been put in place to ensure any concerns raised regarding any misconduct or improper state of affairs or circumstances in relation to the Company’s business are dealt with effectively, securely, and appropriately.

What is whistleblowing:

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. In this policy, we call that “making a disclosure” or “blowing the whistle.” The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

Staff may be the first to realise that there may be something seriously wrong within the Company.

However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Company. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice, or possibly a simple and genuine misunderstanding.

The Company is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, we encourage our staff and others with concerns about any aspect of the company’s work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

This Policy makes it clear that staff can do so without fear of reprisals. It is also intended to encourage and enable staff to raise serious concerns within the company rather than overlooking a problem or blowing the whistle outside before the Company has had an opportunity to resolve or correct the issue.

Applies to:

All groups of staff. In law, the Public Interest Disclosure Act 1998 (PIDA) provides protection to ‘workers’ who disclose information, in the correct manner, from dismissal or penalisation by their employers. ‘Workers’ has a broader definition than ‘employee’ and applies to individuals who:

- Are employed under a contract of employment;
- Are employed under any other contract under which they perform personally, any work or services for another party;
- Work or worked for a person in circumstances which:
 - They are or were introduced or supplied to do that work by a third person, i.e. agency workers;
 - is or was provided with work experience provided pursuant to a training course or programme or with training for employment otherwise than:
 - under a contract of employment; or
 - by an educational establishment in a course run by that establishment, i.e. students.

In keeping with the spirit and letter of the law, this Policy is, therefore, intended to encompass anyone who has any kind of employment relationship with the Company.

3. Aims and Scope of this Policy

This policy aims to:

Provide a channel and process within which individual staff can raise genuine and legitimate concerns:

- Deter serious malpractice;
- Avoid crisis management;
- Promote accountability throughout the company

This policy will:

Make it clear that malpractice is taken very seriously by the Company:

- Provide details of the process by which staff may raise concerns outside the line management structure of the Company, if appropriate and receive feedback on any action taken;
- Respect the need for confidentiality;
- Allow staff to take the matter further if they are dissatisfied with the Company's response;
- Reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

For the avoidance of doubt, this policy will NOT cover personal work-related grievances. A personal work-related grievance is a grievance about any matter in relation to a staff member's current or former employment, having implications (or tending to have implications) for that person personally

and that do not have broader implications for the Company. Examples of personal work-related grievances are as follows.

- An interpersonal conflict between the staff member and another employee;
- A decision relating to the engagement, transfer, or promotion of the staff member;
- A decision relating to the terms and conditions of engagement of the staff member;
- A decision to suspend or terminate the engagement of the staff member, or otherwise to discipline the staff member.

Personal work-related grievances should be reported to your manager or in accordance with the Company's Grievance Policy.

Note: If a member of staff who is already the subject of disciplinary or redundancy procedures raises a concern, those procedures will not be halted as a result of whistleblowing unless the concern relates directly to some malpractice in relation to the procedure in question. In this case, the procedure for disciplinary or redundancy may be put on hold pending the outcome of the investigations into the concern.

4. Types of concerning conduct

Staff may report or disclose concerns under this policy if they have reasonable grounds to believe that anyone within the business has engaged in any of the following types of conduct.

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with a legal obligation
- Health and Safety risks, including risks to the public, learners, staff
- Unauthorised use of public funds
- Acts of Bribery and unethical incentives
- Possible fraud and corruption
- Sexual, physical, verbal harassment or bullying of people
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right or wrong
- Injustices
- Damage to the environment
- Covering up wrongdoing in the above categories

The above examples are not a complete list of all possible types of concerns with conduct that could fall under a Whistleblowing report but do offer Staff some guidance of potential subject areas. If you are in doubt you should speak to either your line manager or the HR Lead Rehana Khan.

5. Anonymity

When making a disclosure, the company encourages staff to put their name against the allegation, however, understands that staff reserve the right to do so anonymously. It may be difficult for the Company to properly investigate the matters disclosed if a report is submitted anonymously and concerns expressed anonymously will be considered at the discretion of the company. In exercising this discretion, the following factors will be taken into account:

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

6. Confidentiality

The Company will do its best to protect the staff members identity when they raise a concern and do not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.

7. Safeguards

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for malpractice. The Company is committed to ensuring that any person who raises a concern is treated fairly and does not suffer detrimental treatment, we will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith.

If a staff member that has made a disclosure believes that they have been unfairly treated because they have 'blown the whistle' and they are not satisfied with the action taken by the company, they may decide to take their case to an employment tribunal. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (Acas) early conciliation service.

The Acas helpline details are:

- Telephone: 0300 123 1100
- Textphone: 18001 030 0123 1100
- Monday to Friday, 8am to 8pm
- Saturday, 9am to 1pm

8. Untrue Allegations

Individuals are protected under the Whistleblowing law which is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle.' To be covered by whistleblowing law, the staff member who makes a disclosure must reasonably believe two things:

1. That they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
2. That they reasonably believe that the disclosure tends to show past, present, or likely future wrongdoing.

The Public Interest Disclosure Act protects disclosure if the worker can show one or the following:

- That a criminal offence has been committed, is being committed, or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health and safety of any individual has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it.
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Were an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. However, if an individual makes malicious or vexatious allegations, disciplinary action may be taken against them.

9. Making a Disclosure

The Company relies on its staff maintaining a culture of honest and ethical behaviour. Accordingly, if staff have any concerns that are in line what has been described in this policy, it is expected that staff will make a report or disclosure.

As a first step, staff should normally raise concerns with their immediate manager or a member of the senior management team. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

If the concern involves the staff member's line management or any member of the leadership team, staff may make a direct approach to the HR Lead or a member of the management board either verbally or in writing. Staff are invited to set out the background and history of the concern, giving

names, dates, and places where possible, and the reason they are particularly concerned about the situation.

The earlier a concern is expressed the easier it is to take action. Although an individual is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

10. How the Company will Respond

The action taken by the Company will depend on the nature of the concern and its seriousness. The matters raised may:

- Be referred to the Management Board;
- Be investigated internally or be referred to an independent auditor for external review;
- Be referred to the Police;
- Form the subject of an independent inquiry;
- Be referred to any other appropriate external professional or regulatory body.

All investigations will be conducted in a fair, independent, and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

The amount of contact between the Staff dealing with the concern(s) and an individual staff member(s) will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought.

When any meeting is arranged, all staff have the right, if desired to be accompanied by a trade union or professional association representative or a I & F colleague who is not involved in the area of work to which the concern relates.

The Company will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if an individual is required to give evidence in criminal or disciplinary proceedings, the Company will provide advice about the procedure.

The Company accepts that individuals need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of investigations.

11. Raising Concerns Externally

This Policy is intended to provide staff with an avenue to raise concerns within the Company. In the event an individual is not satisfied with the outcome(s) and feels it is right to take the matter outside

the company, there is a list of prescribed persons (mainly regulators and professional bodies) but include other persons and bodies such as MPs. The relevant prescribed person depends on the subject matter of the disclosure, for example a disclosure about wrongdoing in a care home could be made to the Care Quality Commission.

A complete list of prescribed persons can be found here:

(<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>)

Prescribed persons have individual policies and procedures for handling concerns and complaints. Generally, these will be accessible on their websites.

Alternatively, staff might choose to approach the media with their concerns. If staff go to the media, they can expect in most cases to lose their whistleblowing law rights. It is only in exceptional circumstances that a staff member can go to the media without losing their rights.

They must reasonably believe that the information they disclose, and any allegation contained in it are substantially true. They cannot be acting for personal gain. Unless the wrongdoing is exceptionally serious, if they have not already gone to their employer or a prescribed person, they must reasonably believe that their employer will subject them to “detriment” or conceal or destroy evidence if they do so. And even then, their choice to make the disclosure must be reasonable.

A member of staff taking the matter outside the Company needs to ensure that they do not disclose confidential information or that disclosure would be privileged.

12. Support Available

Any employee who makes a disclosure under this policy or is implicated as a result of a disclosure that is made may access the Company’s Employee Assistance Programme which is a free and confidential counselling service. To access this service, Staff should speak to the HR Lead.

13. Promoting our Policy and Staff Training

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment. The Company may unilaterally introduce, vary, remove, or replace this policy at any time.

Employees are encouraged to read this policy in conjunction with Their contract of employment and other relevant Company policies, including, but not limited to:

- Code of Ethics Manual

- Grievance Policy
- Equality and diversity policy

Our policy will be made available on our internal SharePoint, and it will be included in our induction packs for new staff.

Annual staff training shall be conducted by the HR lead for Managers on how to handle an allegation that is made to them by a staff member.