

# Skills and Training Services (STS)

## Local Operating Procedure

### How to Raise a Concern of Malpractice within Skills and Training Services (Whistleblowing)

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#### Version Control Sheet

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#### Approval

Name	Job Role	Date	Signature
Mike Hampton	Quality Improvement and Audit Manager	30/10/2023	<i>M. Hampton</i>

#### Change Control

Any requested changes to this document should be emailed to: [mike.hampton@serco.com](mailto:mike.hampton@serco.com)

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## Introduction

The term “learner,” within this policy, is used to describe all learners and apprentices involved with Skills and Training Services, this also includes those learners enrolled with subcontractors. This policy applies to partner providers also.

Skills and Training Services is committed to the highest standards of openness, probity, and accountability. An important aspect of accountability and transparency is a mechanism to enable our staff, partners, and learners to voice concerns in a responsible and effective manner.

It is a fundamental term of every professional contract that an employee or partner will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within Serco (or its subcontractors and partners) then, this information should be disclosed internally without fear of reprisal, and there are arrangements to enable this to be done independently of the programme or contract involved.

The Public Interest Disclosure Act 1998 gives legal protection to whistle-blowers against being dismissed or penalised by their employers because of publicly disclosing certain serious concerns, called protected disclosures which they believe to be true and in the public interest. The categories are:

- i) a criminal offence,
- ii) a breach of legal obligation,
- iii) miscarriage of justice,
- iv) danger to the health and safety of an individual,
- v) damage to the environment,
- vi) any information relating to the above has been or is likely to be concealed.

The provisions set out below are to ensure that no staff member, learner, or partner should feel unable to come forward and raise a legitimate concern.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by Skills and Training Services, nor should it be used to reconsider any matters which have already been addressed under harassment, complaints, disciplinary or other procedures. Once the ‘whistleblowing’ procedures are in place, it is reasonable to expect individuals to use them rather than air their complaints outside the organisation.

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### Scope

This policy is designed to enable individuals to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may, at least, initially be investigated separately but might then lead to the invocation of other procedures (e.g., disciplinary).

These concerns could include:

- Financial malpractice or impropriety or fraud.
- Failure to comply with a legal obligation or Statutes.
- Dangers to Health & Safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour, including harassment.
- Damage to the environment.
- An act of bribery.
- Malpractice, including when under exam conditions.
- False claims for certification to awarding bodies or funding bodies.
- Attempts to conceal any of these.

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### Protection

This policy is designed to offer protection to those staff, partners and learners who disclose concerns around malpractice and impropriety provided the disclosure is made in good faith and in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure.

In an extreme case, knowingly malicious or wild allegations could give rise to disciplinary action under Serco's disciplinary processes.

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### Confidentiality

Skills and Training Services will treat all such disclosures in a confidential and sensitive manner.

The identity of the individual making the allegation will be kept confidential and shared only on a need-to-know basis, however, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. Where necessary or required by law, your identity or information may be disclosed to the appropriate government body or the police or someone else with your prior consent.

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### Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make.

However, Serco Speak Up does allow cases to be raised anonymously and concerns/allegations expressed anonymously will be treated in the same manner as if the person reporting were known, however, the anonymity could hinder the investigation process and the ultimate conclusions.

The factors to be considered will include:

- The seriousness of the issues raised.
  - The credibility of the concern (it being anonymous may have an impact on credibility).
  - The likelihood of confirming the allegation from attributable sources.
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### **Untrue Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual.

In making a disclosure, the individual should exercise due care to ensure the accuracy of the information. If, however, an individual knowingly makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual. This is clearly explained in Serco's [mycode](#).

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### **Procedures for Making a Disclosure**

On receipt of a complaint/allegation of malpractice, the member of Staff who receives and takes note of the complaint/allegation, must pass this information as soon as possible, to:

Serco UK&E Ethics Lead: Contact: Ethics Compliance Leads - myserco

**OR**

Report the allegation directly to Serco Speak Up via one of the following channels.

Telephone: United Kingdom 0808-234-9902

Email: [speakup@serco.com](mailto:speakup@serco.com)

Web: [serco-speakup.com \(https://secure.ethicspoint.eu/domain/media/en/gui/104065/index.html\)](https://secure.ethicspoint.eu/domain/media/en/gui/104065/index.html)

**AND**

Skills and Training Services Business Assurance Manager: [joanne.wood@serco.com](mailto:joanne.wood@serco.com)

If sending the complaint to the Skills and Training Services Business Assurance Manager is not appropriate, then this should be sent to the Skills and Training Services Quality Improvement and Audit Manager: [Mike.Hampton@serco.com](mailto:Mike.Hampton@serco.com) and the Serco UK&E Ethics Lead or be reported via one of the 3 Speak Up options listed above.

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### **Timescales**

Due to the varied nature and complexity of these sorts of complaints, which may involve internal corporate investigations and external third parties, it is not possible to lay down precise timescales for such investigations however all investigations will be completed without undue delay and remediation actions will be implemented as soon as possible once the investigation is concluded

Upon raising a concern of malpractice, the reporter will receive an acknowledgement, usually within 5 working days, confirming whether the issues raised are to be investigated. Upon completion of the investigation, the reporter will be notified, however, they may not necessarily be told the outcome of the investigation and its recommendations due to confidentiality and legal reasons. Actions taken against individuals will also not be shared with reporters, particularly if they are anonymous for confidentiality reasons.

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## Investigative Procedure

The recipient of the complaint should follow these steps in the first instance:

- Obtain full details and clarification of the complaint.
- On receipt of the complaint, recipient should consult the Serco UK&E Ethics Lead (see Procedures for Making a Disclosure section above) to agree the next steps based on the information received and the severity of the allegations.
- Following triage, if the complaint is agreed to be investigated by the Contract Team, the investigating officer should keep the Ethics Lead informed of progress during the investigation, and report back at the end. An investigation report with agreed actions should also be provided to the Ethics Lead.
- If following triage, it is deemed the complaint poses a commercial, legal or reputational risk to Serco, it may be allocated to the Corporate Investigation team for them to investigate. If this occurs, the investigation will be conducted as per Serco's Corporate Investigation Policy.
- For investigations conducted by the Contract,
  - i) A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be shared with the Serco's Ethics Lead, and once approved, it will be passed to the Skills and Training Services Business Assurance Manager.
  - ii) Skills and Training Services will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.
  - iii) The complainant should be kept informed of the progress of the investigations and of the outcome.
  - iv) If appropriate, a copy of the outcome will be passed to the Serco auditors to enable a review of the procedures.
- If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with one of the designated persons described above or raise the matter with Serco Group Ethics & Compliance Team.