



Whistleblowing Policy

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1. Policy Statement

AAXAcademy is committed to the highest standards of openness, probity, and accountability.

An important aspect of accountability and transparency is a mechanism to enable employees and other members of the organisation to voice concerns in a responsible and effective manner.

The aim of this policy is designed to enable and encourage employees to raise genuine concerns about possible malpractice or wrongdoing within **AAXAcademy** without fear of victimisation, subsequent discrimination, disadvantage, reprisal, or dismissal.

It is also intended to encourage and enable you to raise serious concerns within AAXAcademy rather than ignoring a problem or 'blowing the whistle' outside.

2. Scope

This policy applies to all **AAXAcademy** employees, all contractors, agency staff, volunteers, Learners.

3. Legislation – The Public Interest Disclosure Act

The Public Interest Disclosure Act, which came into effect in **1998**, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

This enables employees to raise concerns internally at the appropriate levels to disclose information which the individual believes shows malpractice or impropriety, and these are in the public interest not personal grievances. These concerns could include:

- Financial malpractice, 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
- Attempts to conceal any of these

This policy is not designed to question financial, or business decisions taken by the organisation nor should it be used to reconsider any matters which have already been addressed under other policies or procedures.
If individuals want to raise a personal matter, they must do so under the Grievance Policy.

4. Safeguards

4.1 Protection

The policy offers protection to those employees of the organisation, who disclose concerns described above.

4.2 Confidentiality

The organisation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. 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

4.3 Anonymous Allegations

If it is possible individuals should put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

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

4.4 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 makes malicious or vexatious allegations, in bad faith and or publicly discloses information when it is unreasonable for them to do so and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

4.5 Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the employee who receives and takes note of the complaint must pass this information as soon as possible to the Director who will designate a manager to investigate it as follows:

- Complaints of malpractice will be investigated by the Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be addressed to the Vice Chair.
- In the case of a complaint, which is in any way connected with but not against the Director, the Vice Chair will nominate a Non-Executive Director/Trustee to act as the alternative investigating officer.

- Complaints against the Vice Chair should be addressed to the Chairman who will nominate an appropriate investigating officer.

- The complainant has the right to bypass the line management structure and take their complaint directly to the Vice Chairman. The Vice Chairman has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

If there is evidence of criminal activity, then the investigating officer should inform the police. The organisation will ensure that any internal investigation does not hinder a formal police investigation.

4.6 Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation, and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

4.7 Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the employee against whom the complaint is made as soon as is practically possible. The employee will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the organisation auditors and the police at this stage and should consult with the Director / Vice Chairman.
- The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals / bodies.
- 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 passed to the Director or Chairman as appropriate.

- The Director / Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke disciplinary or other appropriate Organisation procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Organisation 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 writing, outlining the nature of the concern in confidence with the Director / Vice Chairman.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of employees to make disclosures to prescribed bodies (such as the Health and Safety Executive, the Audit Commission, the utility regulators or, where justified, elsewhere).

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