



**Management Training & Development Limited**

# **Whistleblowing, Malpractice & Maladministration Policy**

<b>Policy Owner</b>		<b>Position</b>		
Sean McPheat		Chief Executive Officer		
<b>Signature</b>			<b>Date</b>	
<b>Review History</b>				
10v1	Approved	Jan 2021	Review	March 2022
10v2	Addition of definitions of Malpractice and mal administration and the requirement to report to awarding bodies.	March 2022	Review	March 2023
10v3	This revised version of your Whistleblowing Policy incorporates key legislative changes, such as the <b>Public Interest Disclosure Act</b> , and aligns with best practices for ensuring whistleblowers are protected.	March 2025		

## Purpose

Management Training & Development Limited (MTD) is committed to maintaining the highest ethical standards in all its activities. It regards impropriety and malpractice as serious matters and seeks to prevent them from arising while ensuring that legitimate concerns are addressed in a safe, fair, and transparent manner.

MTD creates a culture of openness and transparency, where employees, learners, apprentices, and other stakeholders are encouraged to raise genuine concerns without fear of retaliation. The company is committed to:

- Fostering a safe working environment where concerns can be raised without fear of reprisal.
- Encouraging a consultative and collaborative style of management.
- Ensuring that the standards of conduct set by MTD (e.g., its code of ethics and codes of conduct) are clearly understood and adhered to.
- Promoting accountability at all levels.
- Raising awareness that genuine concerns will be taken seriously and addressed appropriately.

This policy has been developed in line with the **Public Interest Disclosure Act 1998 (PIDA)** and meets the guidelines outlined by the Government for best practice in whistleblowing.

## Application

This Policy applies to all employees (including senior post holders), contractors, and other stakeholders engaged by MTD. It is designed to protect individuals who raise concerns in good faith about wrongdoing or malpractice within the organisation.

This policy is complementary to other MTD policies and procedures, including those related to conduct, grievance, disciplinary actions, malpractice, and complaints. Allegations related to discrimination, harassment, or personal grievances should be raised under the appropriate internal procedures.

Throughout this Policy, the term "employee" will refer to the individual raising the concern.

### Definition Of Whistleblowing

Whistleblowing occurs when an employee raises concerns about wrongdoing they have witnessed, which may involve the company, its employees, or other stakeholders.

To be protected under whistleblowing law, the employee must reasonably believe that:

1. They are acting in the public interest (i.e., the matter involves a wider societal concern, not just a personal grievance).
2. The disclosure reveals wrongdoing, including:
  - **Criminal offences** (e.g., fraud or financial misconduct).
  - **Failure to comply with legal obligations.**
  - **Miscarriages of justice.**
  - **Endangering health and safety.**
  - **Environmental damage.**
  - **Covering up any of the above types of wrongdoing.**

Whistleblowing protection is provided by the **Employment Rights Act 1996** (as amended by PIDA 1998). This law gives employees the right to bring a claim to an employment tribunal if they suffer detriment or dismissal for making a protected disclosure.

### Remit Of The Policy

The following activities fall within the remit of this Policy:

- **Fraud or financial irregularities.**
- **Serious maladministration** (e.g., improper conduct, mismanagement).
- **Unethical or dishonest activities** such as corruption, bribery, theft.
- **Dangerous actions or omissions** creating risks to health, safety, or the environment.
- **Failure to comply with legal obligations** or actions that could result in a miscarriage of justice.
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This Policy does **not** cover:

- Personal grievances related to employment matters (e.g., disciplinary actions, grievances, working conditions).
- Weak management or areas where mismanagement is not tied to malpractice.

### Malpractice & Maladministration

- **Malpractice** refers to any action that deliberately violates regulations and compromises the integrity of processes, such as delivery, internal and external assessments, or qualification

awards. This includes unethical behaviour or discrimination that affects learners, staff, or any other stakeholders.

- **Maladministration** refers to persistent mistakes, poor practices, or the non-compliance with administrative regulations. This can involve poor record-keeping, mismanagement, or failure to follow internal procedures.

Examples of malpractice and maladministration include:

- Failure to comply with the conditions of centre recognition and qualification approval.
- Deliberate failure to adhere to learner registration or certification procedures.
- Fraudulent claims for certificates.
- Inappropriate assistance provided to learners.
- Plagiarism, collusion, or cheating during assessments.
- Failure to maintain accurate, auditable records.

## Confidentiality

While the law does not compel organisations to protect the confidentiality of whistleblowers, MTD considers it best practice to protect the whistleblower's identity, unless disclosure is required by law. MTD will follow best practice as outlined by Government guidelines and will brief relevant managers on handling whistleblowing disclosures with care to protect personal information. If the disclosure is made anonymously, MTD will still consider the information raised, though the ability to follow up or provide feedback may be limited.

## Protection For The Whistleblower

Employees who raise concerns in good faith will not face any detrimental treatment. In particular, whistleblowers will not be subject to harassment, victimisation, or dismissal due to raising a concern.

**Statutory Protection:** Under the **Public Interest Disclosure Act 1998**, whistleblowers are protected from retaliation or any adverse action resulting from their disclosure, provided they follow the procedures set out in this policy.

## Procedure For Reporting Concerns

If an employee suspects wrongdoing, they should report their concerns as follows:

1. **Report to Line Manager:** The employee should raise the concern with their Line Manager, providing sufficient detail to allow an initial assessment of the concern. If the Line Manager is implicated, the concern may be raised with another member of the Senior Leadership Team (SLT).
2. **Reporting to Senior Leadership:** If the employee does not feel comfortable reporting to their Line Manager, they may escalate the issue to a Senior Leader or the Managing Director.
3. **External Reporting:** If internal reporting is not an option, employees can contact an external body such as the independent whistleblowing charity **Protect** or a relevant regulator.

MTD encourages employees to seek advice before reporting externally and advises that reporting to the media is not appropriate unless all internal channels have been exhausted.

## Investigation Process

Once a concern is raised, the Line Manager or the designated investigator will take the following actions:

1. **Acknowledge the concern** within 5 working days.
2. **Assess the seriousness** of the concern and determine if an investigation is warranted.
3. **Conduct an investigation** (if applicable) within a reasonable timeframe. The investigation will consider the nature of the issue, the evidence, and any potential risks to the organisation.
4. **Consult with HR** if necessary and provide updates on the progress of the investigation.

If criminal activity is suspected, the Line Manager will notify the police immediately and inform the Senior Leadership Team and the Managing Director.

## Timescales

The investigation will, where possible, be completed within **15 working days**. However, more complex cases may take longer. In such cases, the whistleblower will be updated on the progress regularly.

## Response

Once the investigation concludes, the Line Manager will inform the whistleblower of the outcome, including any actions that will be taken. The Senior Leadership Team will review the findings and recommend any necessary changes to prevent a recurrence of the issue.

If the whistleblower is dissatisfied with the outcome, they may escalate the concern to the Managing Director. If still unsatisfied, they may seek advice from **Protect** or **Acas**.

## Anonymous Allegations

While MTD encourages employees to identify themselves when raising concerns, anonymous allegations will be taken seriously and considered. However, it may be more challenging to investigate anonymous reports effectively.

## Malicious Allegations

Any person found to have made false or malicious accusations will face disciplinary action. Wilfully misusing this procedure may result in gross misconduct and could lead to dismissal.