



# Whistleblowing Policy and Procedure

<b>Document title:</b>	Whistleblowing Policy and Procedure
<b>Audience:</b>	All College 'staff' within the meaning of the Public Interest Disclosure Act 1998 Act, including current and former employees, trainees, apprentices and agency staff as well as individuals undergoing training or work experience as part of a training course (other than at an educational establishment).
<b>Version:</b>	1.1
<b>Approved by:</b>	Corporation
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<b>Document author(s):</b>	Clerk to Corporation

## Revision history

Version	Type (e.g. replacement, revision etc...)	Date	History (reason for changes)
1.1	Replaces previous Whistleblowing Code	May 2020	Refresh, reflecting structural changes and legislative changes.

## Monitoring and review

This policy and procedure will be reviewed by the Clerk to the Corporation and the Audit Committee and approved by the Corporation at least every 12 months.

## **1. Introduction**

1.1 The College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide staff with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

1.2 The College encourages staff to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College.

1.3 This policy and procedure also aims to encourage staff to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

1.4 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other staff against vexatious allegations or allegations which are not well-founded.

1.5 The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.

1.6 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by using the relevant complaints procedure. This policy and procedure is designed for the use of staff of the College.

## **2. Applicability of this policy and procedure**

2.1 This policy applies to all employees of the College, including apprentices; and

2.2 Staff which includes any casual staff; home-based casual staff; and employees of subcontractors; and

2.3 Agency staff engaged by the College.

2.4 Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any member of staff in this situation is encouraged to approach Clerk to the Corporation in confidence for advice.

## **3. Protected disclosures**

3.1 The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

3.2 The law allows staff to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected disclosure' must, in the reasonable belief of the member of staff making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

## 4. Specific Subject Matter

If, in the course of employment, a member of staff becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

## 5. Procedure for making a disclosure

5.1 Information which a member of staff reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to their line manager so that any appropriate action can be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, a member of staff can raise the issue with their Head of Department.

5.3 If the disclosure relates to the Chief Executive Officer, a member of staff can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk of the Corporation, a member of staff can raise the issue with the Chair of the Corporation.

5.4 Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College.

Anonymity also means that the College will have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

5.5 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Clerk to the Corporation.

## 6. Procedure for investigation of a disclosure

6.1 When a member of staff makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time. All communications with the member of staff making the disclosure will be in writing and sent to the member of staff's home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College will keep the member of staff concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

6.2 The College will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the member of staff will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the College is satisfied that a member of staff does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate College procedure.

6.3 When a member of staff makes a disclosure which has sufficient substance or merit warranting further action, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

6.4 If appropriate, any internal investigation would be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.

6.5 Any recommendations for further action made by the College will be addressed to the Chief Executive Officer or Chair of the Corporation as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

6.6 The member of staff making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. If the member of staff is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chief Executive Officer within ten working days. The Chief Executive Officer will make a final decision on action to be taken and notify the member of staff making the disclosure.

## **7. Safeguards for staff making a disclosure**

7.1 A member of staff making a disclosure under this procedure can expect their matter to be treated confidentially by the College and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

7.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the member of staff making the disclosure without their written consent, or unless the College is legally obliged to do so, or for the purposes of seeking legal advice.

7.3 No formal disciplinary action will be taken against a member of staff on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against a member of staff where the College has grounds to believe that a disclosure was made maliciously or vindictively, or where a disclosure is made outside the College without reasonable grounds.

7.4 A member of staff will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with

this policy and procedure. Equally, where a member of staff is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

## **8. Disclosure to external bodies**

8.1 This policy and procedure has been implemented to allow staff to raise disclosures internally within the College. A member of staff has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.

8.2 Staff may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website.

8.3 Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.

8.4 If a member of staff seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

## **9. Accountability**

9.1 The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the Corporation on an annual basis as appropriate.

## **10. Further assistance for staff**

10.1 The College will not tolerate any harassment or victimisation of staff who make disclosures. If, at any stage of this procedure a member of staff feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Chief Executive Officer.

10.2 A member of staff making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Director of People Services. Such a request would be made in confidence.

10.3 Staff can also contact the charity Protect (formerly Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House  
244-254 Cambridge Heath Road  
London E2 9DA  
Whistleblowing Advice Line: 020 3117 2520  
Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)  
<http://www.pcaw.org.uk>