



Whistleblowing Policy and Procedure

(Public Interest Disclosure)

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Lead	Head of HR
Agreed by	Corporation

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 employees and workers (referred to as 'workers' in this policy) with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages workers 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 genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.
- 1.4 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.5 This policy aims to:
- encourage workers to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for workers to raise those concerns and receive feedback on any action taken;
 - ensure that workers receive a response to concerns raised and that they are aware of how to pursue them if they are not satisfied;
 - reassure workers that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.
- 1.6 Personal grievances (for example bullying, harassment, discrimination) are not covered by this policy (unless the particular case is in the public interest) and should be raised through the relevant College procedure.
- 1.7 Appendix A of this policy sets out some guidance to workers and managers on how to deal with disclosures under this policy.

2. Applicability of this Policy and Procedure

- 2.1 This policy applies to all employees, consultants, contractors, volunteers, casual workers, agency workers and those on placement at the College. It is not directed at learners who can instead raise genuine concerns about suspected wrongdoing by making a complaint in line with the College's Complaints Procedure.
- 2.2 Any worker who is unsure about whether to raise their concern under this policy or as a personal grievance under the College's grievance procedure is encouraged to approach the HR team in confidence for advice.

3. Protected disclosures

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

3.2 The law allows workers 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 worker 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

4.1 If, in the course of employment, a worker 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, for example, fraud 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 worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to his/her 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 worker can raise the issue with HR, the Principal or either Vice Principal.

5.3 If the disclosure relates to the Principal and Chief Executive or the Clerk to the Corporation, a worker can raise the issue with the Chair of the Board of Governors.

5.4 Workers 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 may 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 Head of HR.

6. Procedure for investigation of a disclosure

6.1 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time normally within ten working days of a concern being raised. Wherever possible, workers should be given an idea of the steps to be taken in order to

investigate their concerns, the likely timescale for completion of the investigation and any other information relevant to the way that the disclosure will be investigated. All communications with the worker making the disclosure should be in writing and sent to the worker's home email or home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College should keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

- 6.2 The College will carry out an initial assessment to determine the scope of any investigation. It will inform the worker of the outcome of its assessment.
- 6.3 The College will determine the appropriate action to take (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 As appropriate, any internal investigation will 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. In some cases, the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.

(Note for guidance: depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer, such as the Clerk of the Corporation, to investigate the concern).

- 6.5 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the College's Board of Governors 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 worker making the disclosure will usually be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving the worker specific details of the investigation or any disciplinary action taken as a result. Workers should treat any information about the investigation as confidential.
- 6.7 If the worker is not satisfied that their concern has been appropriately addressed, they can raise it with the Principal and Chief Executive or, where appropriate, the Chair of the Corporation within 10 working days. He/she will make a final decision on action to be taken and notify the worker making the disclosure.
- 6.8 There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:
 - The College is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
 - The matter is already the subject of legal proceedings or appropriate action by an external body; or
 - The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.
- 6.9 Workers raising concerns under this procedure and other people being interviewed in

relation to the concern have the right to have a trade union representative or a work colleague present during any meetings or interviews in connection with the concerns raised.

7. Safeguards for workers making a disclosure

- 7.1 A worker 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. If the worker requests to raise their concern verbally, the College will allow the worker to do so.
- 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 worker 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 worker on the grounds of making a disclosure made under this policy or procedure. That protection is, however, lost if the worker making the complaint is implicated in the misconduct.
- 7.4 This does not prevent the College from bringing disciplinary action against a worker where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 7.5 Subject to paragraph 7.3 above, a worker 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 worker 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 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally.
- 8.2 The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The College strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline.
- 8.3 Workers 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](#).

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 Audit Committee of the College's Board of Governors on an annual basis.

9.2 Records of cases will be kept for six years in a confidential place after which consideration will be given to their destruction. In exceptional cases, this period may be extended.

10. Further assistance for workers

10.1 The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, either verbally or in writing, to the Head of HR or the Principal and Chief Executive.

10.2 Staff must not threaten or retaliate against whistleblowers in any way and staff that are found to be involved in such conduct will be subject to disciplinary action. Staff are asked to note that under amendments made by section 19 of the Enterprise and Regulatory Reform Act 2013, employees who victimise whistleblowers can be made personally liable for their conduct, and the employer will be vicariously liable if it has not taken all reasonable steps to prevent victimisation.

10.3 A worker 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 HR. Requests will be treated in confidence.

10.4 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers 6 - 10 Borough High Street London SE1 9QQ
Whistleblowing Advice Line: 020 7404 6609 <http://www.pcaw.org.uk>

Data Protection

When an individual makes a disclosure, the College will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

APPENDIX A

Guidance for staff and Managers

GUIDANCE FOR STAFF

- Do make an immediate note of your concerns
- Do convey your suspicions to someone with the appropriate authority as set out in this policy
- Do deal with the matter promptly
- Don't do nothing
- Don't be afraid of raising your concerns
- Don't accuse any individuals directly
- Don't try to investigate the matter yourself
- Don't tell anyone about your suspicions other than those with the proper authority

GUIDANCE FOR MANAGERS

- Do be responsive to staff concerns
- Do record appropriate details
- Do try to evaluate the allegation objectively
- Do advise the appropriate person
- Do deal with the matter promptly
- Don't ridicule suspicions raised by staff
- Don't approach or accuse any individuals directly
- Don't convey your suspicions to anyone other than those with the proper authority
- Don't try to investigate the matter yourself (Unless it has been decided that you are the one to investigate it)