

# **Whistleblowing / Public Interest Disclosure Policy**

Policy Title	Whistleblowing/Public Interest Disclosure Policy
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Author (Name / Department)	Head of Human Resources
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In consultation with	UCU, UNISON & SMT Audit Committee
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## **1. Introduction**

- 1.1 The College is committed to operating in an ethical and principled way. The aim of this policy is to provide employees and workers (referred to as 'workers' in this policy and includes casual workers, volunteers and contractors) with a means for raising genuine concerns of suspected bribery, breaches of the law, suspected cases of Safeguarding and Prevent alongside other serious wrongdoings.
- 1.2 The College encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College.
- 1.3 This policy also aims to encourage workers to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers 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 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.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy. Please refer to the College's Anti-Bribery Policy.
- 1.6 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Senior Management Team. This policy and procedure are designed for the use of workers 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 Workers which includes any casual workers; home-based casual workers; and employees of subcontractors, so long as it relates to practice within the College, rather than their own organisation;
- 2.3 Agency workers engaged by the College
- 2.4 Volunteers; and
- 2.5 Workers 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 worker in this situation is encouraged to approach the Head of Human Resources or their HR representative in confidence for advice.

### **3. Protected disclosures**

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

- 3.1 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**

A worker must reasonably believe that the disclosure tends to show past, present or future wrongdoing falling into one of the following categories:

- Criminal offences (this may include types of financial impropriety such as fraud);
- Failure to comply with an obligation set out by law
- Miscarriage/s of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories
- Be a response to concerns regarding Safeguarding and/or Prevent where the individual does not feel they are able to raise concerns regarding failures internally

### **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 the Head of Human Resources (HoHR) so that any appropriate action can be taken. In the absence of the HoHR, or if the disclosure is about the HoHR, the disclosure should be made to the Principal.
- 5.2 If the disclosure relates to the Principal and Chief Executive, a worker can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk of the Corporation, a worker can raise the issue with the Chair of the Board of Governors.
- 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 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.

5.3 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 Human Resources.

## **6. Procedure for investigation of a disclosure**

6.1 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within five working days. If it has not been acknowledged within five working days, the employee should contact the HoHR for a follow-up.

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 worker 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 worker 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 worker 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, Local Authority Designated Officer (LADO), Channel Panel, NSPCC, Social Services, Trade Unions, Health and Safety Executive or the Information Commissioner's Office.

6.4 All disclosures of sufficient substance or merit to warrant further action are notified by the College to the Chair of the Audit Committee and the relevant funding body where appropriate.

6.5 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.

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.

If the worker is required to attend any meetings about the disclosure, they are allowed to be accompanied by a companion or TU representative, if they wish to do so.

- 6.6 Any recommendations for further action made by the College will be addressed to the Principal 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.
- 6.7 The worker 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, not exceeding three months from the date when the disclosure was acknowledged. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal within 10 working days. The Principal will make a final decision on action to be taken and notify the worker making the disclosure.
- 6.8 All communications with the worker making the disclosure should be in writing and sent to the worker's 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.

## **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.

For confidentiality purposes, 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. 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.
- 7.4 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.

- 7.5 Similarly, protection extends to the following individuals:
- Workers who acquire information about breaches related to practice within the College;
  - The worker's family members who are also employed by the College;
  - Job applicants who have made a disclosure.

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

- 8.1 This policy and procedure has been implemented to allow workers to raise disclosures internally within the College. A worker 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 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](#).
- 8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4 If a worker 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.
- 8.5 A worker may lose their whistleblowing protection rights if they choose to disclose/approach the media with their concerns before the College has followed and completed the procedure of disclosure for investigation.

## **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 on an annual basis as appropriate.

## **10. Further assistance for workers**

- 10.1 The College will not tolerate any harassment or victimisation of workers, or their relatives employed by the College, who make disclosures or acquire information about disclosures related to the College. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making or knowing about a disclosure, they should raise this matter, in writing, to the Head of Human Resources.
- 10.2 A worker making a disclosure may want to confidentially request counselling or other support from the College's occupational health service or Employee Assistance Programme. Any such request for counselling or support services should be addressed to the Head of Human Resources. Such a request would be made in confidence.
- 10.3 Workers can also contact the charity Public Concern at Work for confidential

advice on whistleblowing issues. Contact details are as follows:

Mezzanine  
7-14 Great Dover St  
London  
SE1 4YR

Whistleblowing Advice Line: 020 3117 2520

<http://www.pcaw.org.uk>

10.4 Workers with concerns about Safeguarding and /or Prevent within the college but who feel unable to speak to anyone within the leadership team with this specific responsibility, can contact the appropriate prescribed body/person (referenced in section 8.2) such as:

NSPCC – whistleblowing helpline 0800 028 0285 open Monday to Friday 8.00am to 8.00pm or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

#### **11.1 Acknowledgements**

- Gov.uk website on ‘Guidance for employers and Code of Practice’
- Ofsted
- ACAS
- Department for Education – ‘Keeping children safe in education’, statutory guidance for schools and colleges September 2019
- HM Government – Channel Duty Guidance ‘Protecting vulnerable people from being drawn into terrorism’

#### **12. Other relevant policies and procedures:**

- Safeguarding and Prevention of Terrorism policy – Protecting Young People and Vulnerable Adults
- Staff Grievance Policy
- Dignity at Work Policy
- Anti-Bribery Policy
- Fraud Act 2006
- College Anti-Bribery Policy
- Health & Safety at Work Act 1974