

College Policies and Procedures

Whistleblowing Procedure

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Whistleblowing Procedure

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Whistleblowing Procedure

1.0 Introduction

1.1 This document sets out the procedure that will be followed with regard to Whistleblowing in line with the policy. This procedure will be reviewed regularly and changes made as may be appropriate..

2. Protected Disclosures

2.1 The Law protects individuals who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

2.2 The law allows individuals to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific concern (see section 3), and the disclosure must be made in an appropriate way in line with the procedure.

2.3 Policy is designed to offer protection to those individuals of the College who disclose such concerns provided that the disclosure is

- a) Made in good faith, and the information they are disclosing is true.
- b) That the individual has reasonable evidence that the specific concern they are disclosing has happened, is happening or is likely to happen in the near future.
- c) In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person.
- d) There is no evidence of potential malicious or vexatious allegations.

3 Procedure for making a disclosure

3.1 Information that a worker reasonably believes tends to show one or more of the specific concerns should be promptly disclosed to their immediate line manager to enable appropriate action to be taken.

3.2 To make a 'protected disclosure' under this policy individuals are required to notify their line manager.

3.3 Where an individual reasonably believes it is not appropriate to disclose such specific concerns to their line manager they can raise it with a designated member of staff (Assistant Principal / Vice Principal / Head of Department, Head of Human Resources or a member of the Senior Management Team). Alternatively you may contact the Chair of the Corporation or Clerk to the Corporation. Structure charts are made available on the College Intranet (DAVE) and are updated regularly.

3.4 If you are going to whistleblow, then we ask you consider the following and provide as much information as you have available, without completing a full investigation or raising suspicions of anyone yourself. You must consider:

- a) What hard evidence do you have to support your claim?
(Can you provide, dates, times (if known), who was involved, who knew, what evidence do you have access to? (emails, screen shots, reports, notes of meetings etc etc?))
- b) Consider the seriousness of the issues you are raising.
- c) The credibility of the concerns, and how likely it is that the concern can be confirmed from attributable sources.
- d) Are you sure that your concerns could not be raised informally or through the usual grievance procedure, or have you already raised them?

3.5 Any concerns regarding the safeguarding of children or vulnerable adults must be referred via the Safeguarding Policy and Procedure and reporting matter to either, the Head of Student Services and Safeguarding Team in relation to students or to the Head of Human Resources in relation to employees.

3.6 Individuals are required 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 of the outcome or of action taken. 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 consideration

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

3.7 If individual requires advice and guidance in relation to this policy, or concerning the use of the disclosure procedure generally, workers should speak in confidence to the Head of Human Resources generally, or the Clerk to the Corporation where the concerns relate to a Senior Leadership Team member.

4.0 Procedure for Investigation

4.1 When an individual makes a disclosure to one of the designated individuals referred to in section 6.2 or 6.3, they will receive and acknowledged receipt in writing within 5 working days.

4.2 The designated individual will refer the matter to a Senior Management Team member and they will determine if the disclosure requires further investigation.

4.2.1 If the College considers that the disclosure does not have sufficient merit to warrant further action, the individual who whistle blew will be notified in writing of the reasons for the College's decision and advised that no further action will be taken. The following will be considered when making this determination:

- a) If the College is satisfied that an individual does not have a reasonable belief that suspected malpractice is occurring; or
- b) If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- c) If the matter is already subject to another relevant College policy and procedure such as, Disciplinary, Capability, Grievance or any other policy and procedure.

- 4.2.2 If the College considers that the disclosure does have sufficient substance or merit warranting further action, the College will take action it deems appropriate (including action under any other relevant and applicable College policy). Possible actions could include internal investigation, referral to the College's auditors; referral to relevant external agencies such as the Police, Ofsted, Awarding Body, University Partner, Health and Safety Executive or the Information Commissioner's Office.
- 4.3 If an internal investigation is decided upon, an appropriate Investigating Manager will be appointed who is independent, and without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College.
- 4.4 Subject to the seriousness of the specific concern raised or the seniority of the individual making the disclosure, a Senior Management Team member may be appointed or a designated officer such as the Clerk to the Corporation may be directed to investigate the concern.
- 4.5 The Investigating Manager will interview individuals, seek and obtain any documented evidence as may be required in order to ascertain the facts and determine whether any wrongdoing has occurred.
- 4.6 Any recommendations for further action will be made by the Investigating Manager to the Principal and Chief Executive or Chair to the Board of Governors as appropriate. The recipient will take necessary steps within their power to ensure the recommendations are implemented unless there is good reason for not doing so.
- 4.7 The individual who made the disclosure will be notified of the outcome and any action taken by the College under this policy and procedure within a reasonable period of time. If the individual is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal and Chief Executive within 5 working days of receiving written notification of the outcome. The Principal and Chief Executive will make a final decision on action to be taken and notify the individual accordingly.

5.0 Safeguards for making a disclosure

- 5.1 Any specific concerns raised under this policy and procedure will be treated with strict confidentiality and in compliance with the Public Interest Disclosure Act 1998 and General Data Protection Act Legislation will be maintained. Sensitivity and confidentiality will be maintained throughout the application of the procedure and information will only be shared on a need to know basis and in the pursuance of any investigation required to gain clarity as to the specific concerns raised.
- 5.2 The College will take reasonable steps to ensure that any report and recommendations do not identify the individual who whistle blew in the first instance, unless written consent is obtained and it is considered safe and appropriate to do so. It must be noted, that subject to the nature of the specific concern raised, and who may have been involved or who knew or was told about something, it may not always be possible to maintain complete anonymity. In such situations the investigating officer must consider the specific concerns raised and explain the investigation process with the whistleblower so that they are aware of the process.

5.3 No formal disciplinary action will be taken against an individual on the grounds of making a protected disclosure under this policy and procedure. This does not prevent the College from taking appropriate action, which may include disciplinary action, against the individual who raised the specific concerns if it is found they were made maliciously or vexatious, or where the disclosure is made outside of the College without reasonable grounds or foundation.

5.4 An individual who raises specific concerns will not suffer dismissal or any detrimental action or omission of any type by the College for making a disclosure in accordance with this policy and procedure. Equally, where an individual 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.

6.0 Disclosure to external bodies

6.1 This policy and procedure is designed and implemented to encourage and enable individuals to raise specific concerns internally within the College and be assured that appropriate action will be taken. Individuals do however have the right to make a disclosure outside of the College where there are reasonable grounds to do so in accordance with the law.

6.2 Individuals may make disclosures to the appropriate external body prescribed by the law. The list of 'prescribed' organisations can be found on the government whistleblowing website: www.gov.uk/whistleblowing . The list does not include any press or media organisations, but may include a practicing and registered solicitor or barrister on a confidential basis.

6.3 If an individual seeks advice and/or shares information in relation to a specific matter of concern with someone outside of the College or an external organisation, they must be careful not to breach the General Data Protection Act Legislation, confidentiality contractual obligations or damage the College's reputation in doing so.

7 Record Keeping

7.1 The College will keep all records raised under this policy and procedure in accordance with the General Data Protection Regulations and in a secure lockable storage unit.

8.0 Role of Human Resources

8.1 The Head of Human Resources or another appropriate member of the HR Team may be involved at any stage within this policy and procedure application and provide advice and guidance, or support during an investigation process as may be required.

9.0 Further Advice

9.1 The College will not tolerate any harassment or victimisation of individuals who make disclosures. If at any stage of this procedure an individual feels that they are being subjected to informal pressures, bullying or harassment due to making a disclosure, they should raise their concerns in writing to the Head of Human Resources.

- 9.2 The Head of Human Resources, or another appropriate member of the HR Team, will discuss with the individual the appropriate action or support that may be required such as a referral to the Occupational Health Provider or appropriate counselling support as may be appropriate.
- 9..3 Individuals may also contact PROTECT, which is the UK's whistleblowing charity. They aim to stop harm by encouraging safe whistleblowing. They provide confidential advice line support across all sectors, and conduct research, and help inform public policy and legal protection of whistleblowers. You can access their support via:
- website via: <https://protect-advice.org.uk/>
 - Email: whistle@protect-advice.org.uk
 - Telephone: Advice Line so you can contact them via 020 3117 2520

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