

Whistleblowing

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1 What is Whistleblowing?

- 1.1 'Whistleblowing' is the disclosure of information by an employee to an appropriate individual about any concern they may have about any aspect of their work. The information may relate to an employee's concern about a danger, fraud or other criminal or unethical conduct in, or arising out of, the workplace. The concern may be about the organisation's practices or those of fellow employees.

Concerns about Safeguarding or Child Protection should in the first instance be reported under the *Safeguarding Policy* guidelines. If concerns remain then employees should follow the procedure as outlined in this document. If the employee remains concerned then they should contact the NSPCC Whistleblowing helpline on 0800 028 0285.

- 1.2 All concerns raised will be taken seriously and investigated in an appropriate manner.
- 1.3 You do not have to actually prove that the concern you have raised is true. Whistleblowing is therefore distinct from a complaint, where it is the responsibility of the complainant to prove that their own interests have been harmed. However, it is important that an employee has an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur.
- 1.4 If you are in any doubt as to whether it is appropriate to raise concerns under this policy and procedure or whether it is more appropriate to use the *Grievance Policy*, you are encouraged to seek advice via People & Performance or your Union, or to raise your concern under either or both policies.

2 Aims and Objectives of Policy

- 2.1 The College is committed to operating in an ethical and principled way consistent with our values. This *Whistleblowing Policy* has been adopted to enable you to raise any genuine concerns at an early stage and in the correct way.
- 2.2 This Policy applies to all employees of the College. For the purposes of this Policy we also encourage trainees, agency workers, volunteers, contractors and self-employed people to abide by this Policy. Where 'employees' is used in this Policy, this will apply equally to members of such groups.
- 2.3 The College encourages employees with serious concerns about any aspect of their work to come forward and talk to someone who can advise on what action to take or, if necessary, take action themselves. If requested, the concern will be dealt with in confidence, by which we mean that the person they raise the matter with will not disclose their identity without their consent.
- 2.4 A primary function of whistleblowing is to provide senior managers with critical information regarding malpractice or misconduct so as to enable them to take corrective action. It is the responsibility of each employee throughout the College to ensure that those in charge are accountable for their action or inaction in allowing a danger or risk to continue.
- 2.5 We appreciate that, from a personal perspective, it may not be easy to report a concern, particularly one that may turn out to be abuse or fraud.

3 Protection for Employees

- 3.1 The Public Interest Disclosure Act 1998 (henceforth referred to as 'the law') offers protection for employees who disclose information reasonably and responsibly in the public interest, and protects those who may become victimised as a result. This includes information relating to:

- A criminal offence
- Failure to comply with legal obligations
- A miscarriage of justice
- A Health & Safety danger

- Damage to the environment
- Cover-ups of any of the above are included in this protection
- Failure to safeguard students.

3.2 The College therefore guarantees that employees who raise such concerns will be supported. The College is committed to supporting genuine Whistleblowers with both moral and managerial support.

3.3 As additional support following a disclosure, you may wish to request access to the College's counselling or Occupational Health service. Any requests should be made to People & Performance and will be treated in confidence.

Workers can also contact the charity Protect for confidential advice on whistleblowing issues. Contact details are:

<https://protect-advice.org.uk/>

Whistleblowing Advice Line: 020 3117 2520

3.4 Victimising employees or deterring them from raising a concern about abuse or malpractice is a disciplinary offence and will be dealt with under the College's *Disciplinary Procedures*.

3.5 If you feel you may be victimised as a result of raising a concern, in the first instance you must contact either the person handling the concern or People & Performance and/or your Union as soon as possible (see paragraph 5.3 below concerning the identity of the appropriate person to contact).

3.6 Equally, if an employee abuses the process by raising an unfounded allegation maliciously or by 'going public' when it is unreasonable for them to do so, disciplinary action may be taken.

4 Confidentiality

4.1 If confidentiality is requested, the person who investigates the concern has a responsibility to try and investigate the issue without revealing the identity of the Whistleblower. If your evidence is needed, we will discuss with you whether and how we can proceed, e.g. at a Disciplinary Hearing or in Court.

4.2 This Policy is not appropriate for concerns raised anonymously. However, we will consider any anonymous reports and our response on the individual facts of the case.

4.3 Confidentiality clauses existing in writing or 'in spirit' do not preclude an employee raising a concern.

5 Procedure / routes for Whistleblowing

5.1 The procedure to follow depends on (a) how serious the concern is, (b) what the concern is about and (c) to whom the Whistleblower feels most comfortable talking to.

5.2 The concerned employee may choose which route they wish to follow. If the person to whom they go feels it more appropriate to use another mechanism, this can be discussed and an agreement reached. The person to whom they go cannot unilaterally decide to follow another procedure.

5.3 This Policy cannot and does not attempt to lay down a rigid procedure because much will depend on the type of concern and the feelings of the concerned employee. If you are unhappy with the initial response you receive, you can take another route. We endeavour to handle the matter fairly and reasonably; by using this Policy you will help us achieve this.

The following are the routes from which an employee may choose:

Route 1 – Internal

Where possible, a concerned employee should raise the issue with their line-manager in the first instance, who should be better placed to understand the circumstances of the local arrangements and may be able to resolve the issue quickly.

Route 2 – Internal

For those cases where the employee does not feel able to raise the concern with their line-manager, any Safeguarding Officer, Head of People & Performance and/or Union Representative may be approached. These members of staff should be told if the employee does not want them to disclose their identity. They will treat the information sensitively and will take on a supportive as well as an investigative role. If, during any stage of the investigation, the staff member feels they do not have the authority to continue the investigation, it will be passed on to the Senior Leadership Team.

Route 3 – External

If you are unsure about this procedure or would like to get independent advice, Protect is an independent charity that offers free and confidential help, and also the possibility of free legal advice where concerns relate to “serious malpractice threatening the public or threatening the public interest”. They can be contacted as above. For further information on Protect please see their website or the NSPCC Helpline 0880 280 285.

Employees have the right to make disclosures outside of the College, to an appropriate external body, where there are reasonable grounds to do so and in accordance with the law.

The list of prescribed organisations and bodies to whom disclosures can be made can be found in information on the www.gov.uk website.

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

If an employee seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or not actively damage the College’s reputation in so doing.

6 How the College will handle the matter

- 6.1 Whichever route you take, the appropriate representative of the College will assess, initially, what action should be taken. This may involve an internal inquiry (a brief informal fact finding exercise) or a more formal investigation. You will be advised who is handling the matter, how you can contact that person and whether your further assistance may be required. The timescale for the investigation will also be discussed. Once you have brought the matter to the College’s attention, we have an obligation to undertake an investigation.
- 6.2 When you raise a concern you may be asked how you think the matter might be best resolved. If you do have a personal interest in the matter, you will be asked that you inform the College of this from the outset.
- 6.3 You will be notified of the outcome of the investigation and where possible, on any proposed action. You will be given as much feedback as appropriate by the College under this Policy within a reasonable period of time.
- 6.4 If, following the investigation, it is clear that matters cannot be fully dealt with internally, external authorities, such as the Health & Safety Executive, may become involved.
- 6.5 If you are not satisfied that your concern has been appropriately addressed, you will have the right to appeal the outcome by raising the issue within 10 working days. A College representative will

make a final decision on action to be taken and notify you of the outcome in writing without reasonable delay.

7 Evaluation and Review

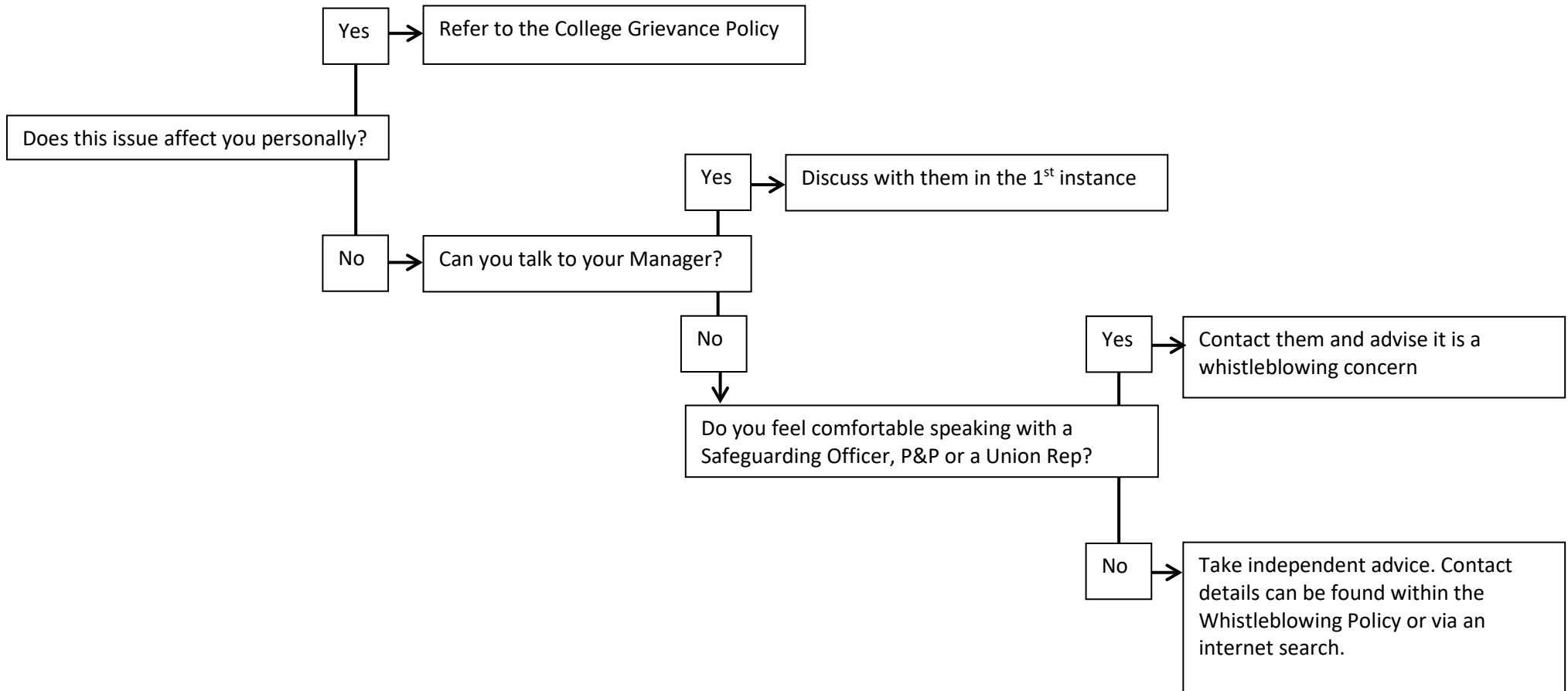
- 7.1 A formal record will be centrally held of all concerns raised under this Policy (including cases where the College deems there is no case to answer and that therefore no action should be taken).

A disclosures report will be taken to the College's Board of Governors annually.

8 Conclusion

Whistleblowing matters because it promotes good governance and accountability. The College is committed to act appropriately and without delay on genuine information received from conscientious employees.

Whistleblowing Flow Chart



Do not be afraid to raise a genuine concern. We are committed to operating in an ethical and principled way consistent with our values and need your help to do this.