
Whistleblowing Policy

Purpose:	The intention is to provide safeguards and a framework to enable members of staff to raise concerns about malpractice in connection with the College
Procedures:	The policy leads to a whistleblowing implementation procedure for regularity allegations and members of the public
Accountabilities:	The Principal/Chief Executive has overall responsibility for the maintenance and operation of this policy. The Principal will ensure that his/her delegated representative maintains a record of concerns raised and the outcome (but in a form which does not endanger individual confidentiality) and will report as necessary to the Board of Governors Governors and all employees of the College, including:
Target audience:	<ul style="list-style-type: none">• apprentices• workers (including casual workers)• employees of subcontractors• agency workers engaged by the College• volunteers
Content linkage:	Code of Conduct for Staff; Customer Concerns and Complaints; Grievance Procedure; Safeguarding Policies; Staff Disciplinary Procedure; Senior Manager and Governor Disciplinary/Safeguarding Procedure
Monitoring and Review cycle:	<p>The College will keep a record of all concerns raised under this policy (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.</p> <p>The College will review the policy to take account of new Government legislation, regulations or best practice, to ensure that staff are kept fully up to date with their responsibilities and duties.</p> <p>Incidents are monitored by Protected Characteristics over a period of twelve months to identify any trends that need to be addressed.</p>

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Glossary

Full title	Abbreviation
Care Quality Commission	CQC
Human Resources	HR
Office for Standards in Education, Children's Services and Skills	OFSTED
Senior Management Team	SMT

Introduction and purpose

The College encourages employees to raise genuine concerns about suspected wrong doing at the earliest practicable stage, which is known as Whistleblowing. This policy is based on The Public Interest Disclosure Act 1998. The law protects employees, students, volunteers and agency staff who, out of a sense of public duty, want to reveal suspected wrong doing or malpractice. This policy makes it clear that they can do so without fear of reprisals or detrimental treatment.

Statement of intent

The Public Interest Disclosure Act 1998, (often referred to as Whistleblowing) and its updates, has been introduced to protect employees from detrimental treatment following disclosure of information which relates to a suspected wrong doing or dangers at dangers at work, including illegal activities. Such disclosures must meet qualifying criteria as set out within this policy. The College will follow up on all disclosures in relevance to types of disclosure (see below) and will also use legislative and College policies linked to the disclosure.

The law allows employees 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 the Types of disclosure list that follows), and the disclosure must also be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice

The College is committed to operating in an ethical way to the highest possible standards of openness, probity and accountability. The aim of this policy is to provide employees with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrong-doing as indicated in types of disclosure (see below). The intention is to encourage and enable employees and volunteers to raise serious concerns within the College rather than overlooking a problem or 'blowing the whistle' outside. The College encourages employees to raise genuine concerns about suspected wrong-doing at the earliest practicable stage, by using the internal College process without fear of adverse repercussions being taken against them. The law allows employees to raise such concerns externally and this policy informs employees how they can do so.

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This policy also aims to encourage employees to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows employees to raise such concerns externally and this policy informs employees how they can do so.

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

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

Types of disclosure

A disclosure will only be protected if, in the reasonable belief of the employee, it relates to one or more of the following (which must either have occurred, be in the process of occurring or likely to occur):

- A criminal offence
- Failure to comply with legal obligation
- A miscarriage of justice
- The endangerment of an individual's health and safety
- Damage to the environment
- Bribery
- Financial fraud or mismanagement
- Breach of our internal policies and procedures, including the code of conduct
- Conduct likely to damage our reputation or financial wellbeing
- Unauthorised disclosure of confidential information
- Negligence
- Concealment of information relating to any of the above.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time however, you may need to come forward as a witness.

Anonymous allegations

You are encouraged to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

Addressing allegations

Addressing allegations or evidence of any potential irregularities, including fraud, corruption or impropriety must be the focus. Should an employee raise a concern under this policy that is subsequently found to be a deliberate, false or malicious accusation, this will be viewed as a serious disciplinary matter and dealt with under the College's Disciplinary Procedure. Anonymity may not be possible in this circumstance but impartiality will remain in place.

Safeguards for employees making a disclosure

An employee making a disclosure under this policy 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 employee requests to raise their concern verbally, the College will provide a suitable area for them to do so.

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

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employee 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.

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

An employee 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. Equally, where an employee is threatened, bullied, pressurised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

Disclosure to external bodies

This policy has been implemented to allow employees to raise disclosures internally within the College. An employee 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.

Employees 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.

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

If an employee 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.

Further assistance for employees

The College will not tolerate any harassment of employees who make disclosures. If, at any stage of using this policy a worker 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 their Manager or a member of the Senior Management Team (SMT).

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An employee 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 made in confidence and addressed to Human Resources.

Employees can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues via:

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

Alternatively you could contact any of the following:

- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations (for example Ofsted, the Care Quality Commission or Health and Safety Executive)
- the Police.

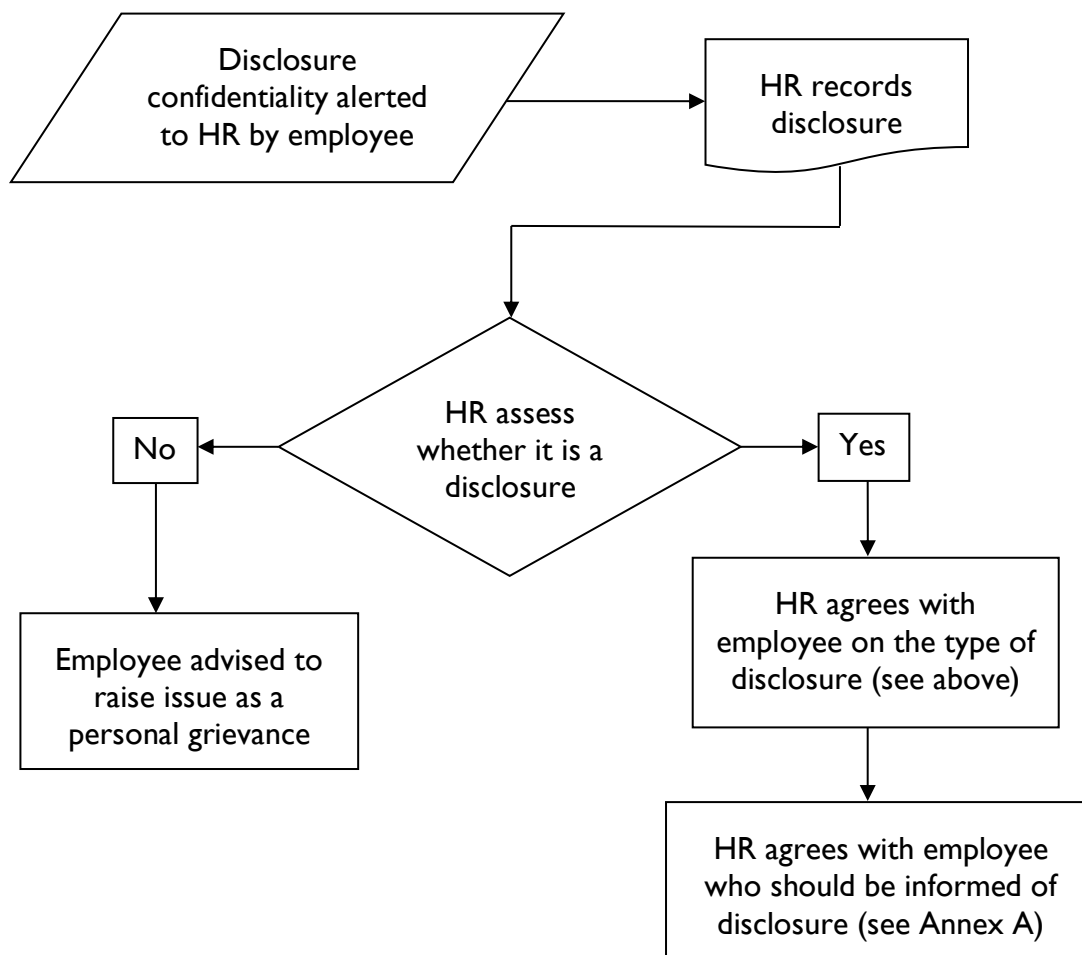
If you do take the matter outside the College, you should ensure that you do not disclose confidential information.

The whistleblowing process used in the College

Initiating a disclosure (whistleblowing)

Notes: Employees who might be unsure whether it is appropriate to raise their concern under this policy or whether it is a personal grievance should approach Human Resources (HR) for confidential advice.

Employees are encouraged to identify themselves when making a disclosure to enable the College to notify them of the outcome of any decision made about the disclosure.



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Information which an employee reasonably believes tends to show one or more of the situations given under **types of disclosure** above, should promptly be disclosed to their line manager, so that any appropriate action can be taken as quickly as possible. Annex A gives the whistleblowing proforma, and a copy to complete can be found [here](#).

If it is inappropriate to make such a disclosure to their line manager, an employee can raise the issue with their Senior Management Team (SMT) member.

If the disclosure relates to the Principal and Chief Executive, a member of the Senior Management Team or a Governor, an employee can raise the issue with the Chair or Vice Chair of the Board of Governors. The College procedure 'Process for disclosure of senior manager and governor disciplinary/safeguarding' [\[insert link\]](#) is used in conjunction with this policy.

Employees 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:

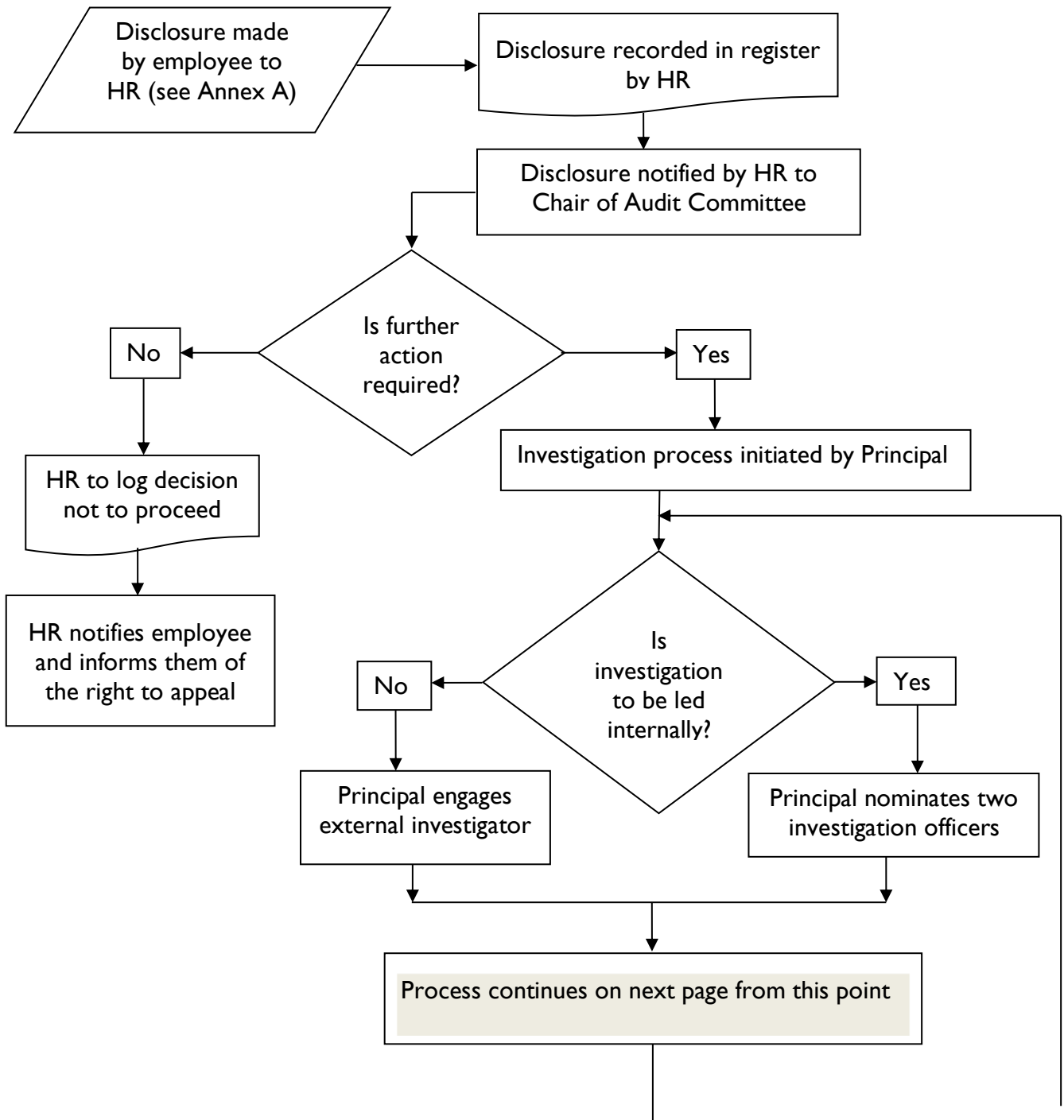
- the seriousness of the issues raised in the disclosure;
- the credibility of the concern; and
- how likely it is that the concern can be confirmed from attributable sources.

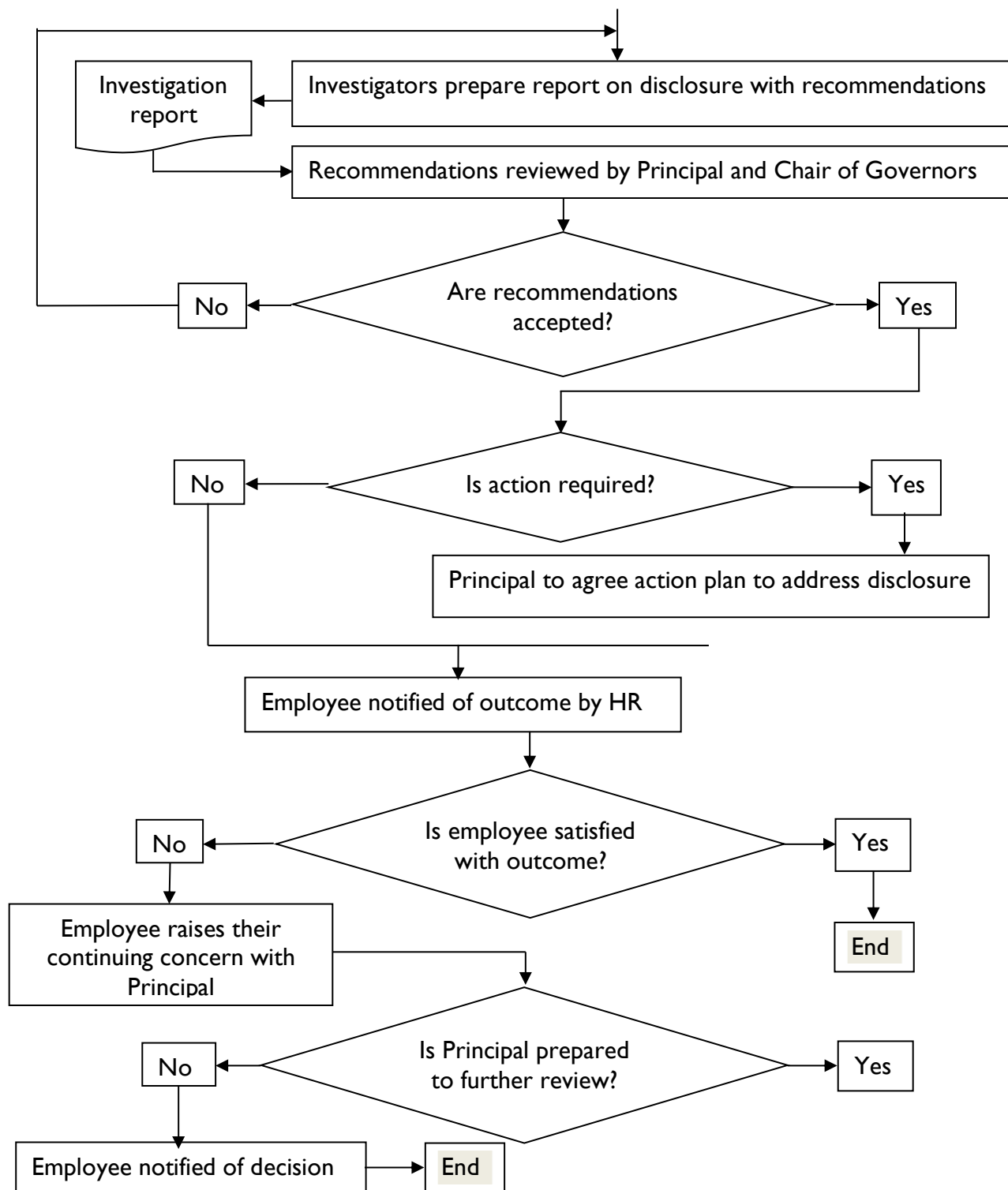
For further guidance in relation to this policy, or concerning the use of the disclosure procedure generally, employees should speak in confidence to HR or a local union representative.

Any employee who follows the official policy to report a concern of malpractice, will have the matter treated confidentially and will not have their name disclosed to the alleged perpetrator of malpractice without the whistle-blower's prior approval.

Process for investigation of a disclosure

Note: The following process assumes that the earlier process has been used to check whether a disclosure should be initiated.





Anonymous concerns

On receipt of an anonymous allegation it will be recorded in the register and SMT will consult with relevant parties' ie Chair of Audit, the Chair of the Corporation as to whether to investigate the allegation as far as is practicable, or whether to take no further action until or unless other corroborative evidence becomes available.

Employee concerns

When an employee makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time. 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 employee 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 Procedure and procedure.

Considerations to be taken into account when making this determination may include the following:

- if the College is satisfied that the employee does not have a reasonable belief for the suspected malpractice; 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.

When an employee 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, procedure or external body). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, CQC, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

Investigation officers

A minimum of two investigation officers will be assigned to the investigation and will consist of one senior manager plus one manager or a member of the Human Resources Team.

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

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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 employee making the disclosure, it would be appropriate for a senior manager or a designated officer, to investigate the concern.

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.

The employee making the disclosure will be notified of the outcome of any action taken by the College under this policy within a reasonable period of time. If the employee 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/Chief Executive will make a final decision on action to be taken and notify the employee making the disclosure. The policy encourages the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation.

All communications with the employee making the disclosure should be in writing and sent to the employee's home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College will keep the employee updated as to the progress of the investigation and an estimated timeframe for its conclusion.

Regularity allegations

In accordance with the Financial Regulations, whenever any employee becomes aware of any matter that involves, or is likely or suspected to involve, any irregularity or illegality, the employee concerned shall immediately inform the appropriate member of the Senior Management Team, who shall forthwith draw the matter to the attention of the Clerk to the Governors, so that such audit action may be instigated as may be deemed necessary.

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While every reasonable endeavour will be made to maintain confidentiality during the investigation, it should be noted that if there is evidence of criminal activity, then, subject to the advice of the College's solicitors, the Clerk will seek the approval of the Chair of Audit and the Chair of the Governors to inform the police. Except as described above, or where it conflicts otherwise with obligations under current law, the matters will not be made more widely known unless it is with the whistle-blower's agreement.

Concerns from student and members of the public

Grievances from students and complaints from members of the public should normally be dealt with in accordance with the published customer complaints procedures [\[insert link\]](#).

Communication

This policy is published on the intranet and College website, and is made available on request in a number of formats as required.

Related documents

The following documents relate to the legal background or relevant legislation regarding whistleblowing:

Equality Act 2010 (Specific Duties) Regulations 2011:

<http://www.legislation.gov.uk/uksi/2011/2260/contents/made>

Public Interest Disclosure Act 1998 (PIDA):

<http://www.legislation.gov.uk/ukpga/1998/23/contents>

The Bribery Act 2010: <https://www.legislation.gov.uk/ukpga/2010/23/contents>

The Employment Act 2008:

<https://www.legislation.gov.uk/ukpga/2008/24/contents>

The Employment Tribunals (Constitution and Rules of Procedure) (Amendment)

Regulations 2008: <http://www.legislation.gov.uk/cy/uksi/2008/3240/made>

Annex

Annex A: Whistleblowing Reporting Proforma

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Annex A: Whistleblowing Reporting Proforma [example] [The Form](#)

Your name:	
Your department:	
Your contact number at the College:	
Your contact number outside of your normal working hours:	
Please provide a brief outline of the issue you are raising: <ul style="list-style-type: none"> • the background and history of your concern (giving relevant names, dates, locations etc); • the reason why you are particularly concerned about the specific situation. 	
Your signature:	
Date:	
For monitoring purposes please indicate the following:	
Do you consider yourself to have a disability?	Yes No Please circle as appropriate
How would you describe your ethnic origin?	
What is your gender?	Male Female Please circle as appropriate