



Human Resources Policies and Procedures

Whistleblowing Policy

Aim: To provide safeguards to enable members of staff to raise concerns about malpractice in connection with the college.

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Contents	Page Number
1. Introduction	3
2. Scope of the policy	3
3. General principles of the policy	3
4. Records and monitoring	4
5. Review	4
6. Protected disclosures	4
7. Specific subject matter	4
8. Procedure for making a disclosure	4
9. Procedure for investigation of a disclosure	5
10. Safeguards for workers making a disclosure	6
11. Disclosure to external bodies	7
12. Accountability	7
13. Further assistance for workers	8
Other related policies	

1. Introduction

1.1 The Public Interest Disclosure Act, which took effect on 1 January 1999, requires corporations to establish and operate a Public Interest Disclosure (Whistleblowing) Procedure, whereby employees may raise concerns internally in a set manner, which is officially sanctioned by the Corporation, about a defined range of practices and situations which may occur within the college. The Act also regulates strictly the circumstances in which employees may raise the matter externally.

1.2 The college is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide members of staff and other workers (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

1.3 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.

2. Scope of the policy

2.1 This policy applies to all members of staff of the college, including:

- apprentices
- other workers (which includes any casual workers)
- home-based casual workers
- employees of subcontractors
- agency workers engaged by the college
- governors of the college

Throughout this policy the term "workers" is used to cover people in all the above categories.

2.2 Workers might be unsure whether it is appropriate to raise their concern under this policy 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 HR in confidence for advice.

3. General principles of the policy

3.1 This policy and procedure 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.

3.2 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.

3.3 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.

3.4 Students at the college are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint using the college's Compliments, Concerns and Complaints Policy, which can be accessed via the college website.

4. Records and monitoring

4.1 HR will retain records of all whistleblowing concerns and the outcome of these concerns.

4.2 The operation of this policy will be reviewed by HR and the Senior Leadership Team (SLT).

5. Review

5.1 The content and operation of this policy will be reviewed every 3 years by HR and the SLT.

6. Protected disclosures

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

6.2 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 7 below) and the disclosure must also be made in an appropriate way (See Section 8). 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.

7. Specific subject matter

7.1 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, 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.

8. Procedure for making a disclosure

8.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 7 should promptly be disclosed to their line manager so that any appropriate action can be taken.

8.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with the Principal or Deputy Principal.

8.3 If the disclosure relates to the Principal, a worker can raise the issue with the Clerk if appropriate. In the event that the disclosure relates to the Clerk of the Corporation, a worker can raise the issue with the Chair of Directors or the Chair of the Audit Committee as appropriate.

8.4 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.

8.5 Workers are encouraged to make disclosures in writing and to identify themselves however if they wish to make the disclosure verbally this is acceptable. A written record of a verbal disclosure would be encouraged but again is not mandatory. However should the worker so wish a written submission could be made in a sealed envelope to the Clerk.

8.6 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.

9. Procedure for investigation of a disclosure

9.1 When a worker makes a disclosure, the college will acknowledge its receipt, in writing, within a reasonable time, usually seven days.

9.2 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.

9.3 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
- referral to the college's funding body

- referral to relevant external bodies such as OFSTED, the Health and Safety Executive or the Information Commissioner's Office.

This is not an exhaustive list of actions and the college must decide the appropriate action for each individual case.

9.4 If appropriate, any internal investigation would be conducted by a manager or senior 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. When deciding who to appoint as investigator the seriousness of the disclosure and the seniority of the worker making the disclosure should be taken in to consideration.

9.5 Any recommendations for further action made by the college will be addressed to the Principal, Chair of the college's Board of **Directors** or Chair of the Audit Committee 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.

9.6 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. This should usually be within one month of the disclosure unless the investigation is of a complex and/or protracted nature. Depending on the nature of the disclosure and the nature of the outcome it may not be appropriate to supply the worker making the disclosure with all the details of the action taken in which situation enough information should be given and assurances provided to the worker that the matter has been investigated adequately and that appropriate actions have been taken.

9.7 Any notifications to the worker making the disclosures should be confidential and ordinarily addressed to them at their home address rather than through the college's internal mail. If the investigation is a protracted one notification should be made periodically to the person making the disclosure that the procedure is still on-going.

9.8 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, Chair of the college's Board of Directors or Chair of the Audit Committee as appropriate within seven working days. This person will make a final decision on action to be taken and notify the worker making the disclosure.

10. Safeguards for workers making a disclosure

10.1 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. Confidentiality cannot be guaranteed if the disclosure results in an outside referral to, for example, the police.

10.2 The security of any relevant documentation which the worker provides in support of the disclosure will be protected.

10.3 Any request for further clarification from the worker making the disclosure or for participation by them in the investigation will be made via the person to whom the initial disclosure has been made.

10.4 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.

10.5 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.

10.6 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 legitimate disclosure in accordance with this policy and procedure even if that disclosure turns out to be erroneous as long as it is deemed to have been made in good faith. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary procedures will be instigated by the college against the colleague in question.

11. Disclosure to external bodies

11.1 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.

11.2 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 but includes:

- Health and Safety Executive
- Financial Conduct Authority
- Her Majesty's Revenue and Customs
- Serious Fraud Office
- Charity Commission for England and Wales
- OFSTED
- Information Commissioner
- Office of Qualifications and Examinations Regulation

11.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister in the course of obtaining legal advice or to a Member of Parliament.

11.4 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.

12. Accountability

12.1 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.

13. Further assistance for workers

13.1 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, in writing, to the Principal, Chair of the college's Board of Directors or Chair of the Audit Committee as appropriate

13.2 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 the Head of HR.

13.3 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues.

Contact details are as follows:

CAN Mezzanine
7 - 14 Great Dover Street
London SE1 4YR

Whistleblowing Advice Line: 020 7404 6609

Website: www.pcaw.org.uk

Other related policies

Staff disciplinary policy

Grievance policy

Compliments, concerns and complaints policy