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## 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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Policy authors	Assistant Principal - Student Support and Head of HR

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## **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 Whistleblowing is when someone who works in or for an organisation passes on information, which they reasonably believe shows wrongdoing or a cover-up by that organisation. For example, the information may be about an activity that is illegal or that creates risks to the health and safety of others. The concern may relate to something that has happened, is happening or that a person may fear will happen in the future.

1.3 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 malpractice or wrongdoings without fear of being victimised.

1.4 The college actively works towards ensuring a culture of safety whereby we encourage 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 and for the college to learn from any such matters.

1.5 This policy has been developed in line with the 'Freedom to Speak Up' review conducted by Sir Robert Francis and ensures that we apply the principles of this review. The purpose of this policy is to provide workers with the help and support they need to speak up and be confident they can do so safely. The college will take concerns seriously and ensure that they are dealt with promptly and fairly.

## **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
- college directors

Throughout this policy the term "workers" is used to cover people in all the above categories and those whose employment has ceased.

2.2 Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless a particular case is in the public interest.

2.3 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 procedures aims to encourage workers to raise genuine concerns through internal college procedures without fear of adverse repercussions being taken against them.

3.2 Victimisation, bullying or oppressive behaviour in relation to any individual raising concerns will not be tolerated. The college appreciates staff raising concerns and this policy will help workers to whistleblow and understand the process to follow. This policy will help ensure that whistleblowers receive the legal protections that are available.

3.3 Whistleblowing will provide the opportunity to investigate and learn from any such concerns being raised. Reflective practice is something that we encourage all staff to undertake and opportunities are provided for staff to do so and also to share best practice.

3.4 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.

3.5 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.

3.6 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.

3.7 Students at the college are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint using the college's concerns and complaints policy, accessed via the college website:  
<https://www.blackpoolsixth.ac.uk/information/policies/>.

3.8 If you believe that a child or young person is at risk of harm, you should refer to the college's safeguarding and child protection policy.

### **4. Records and monitoring**

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

4.2 The content and operation of this policy will be reviewed every 3 years by the Head of HR and the Assistant Principal - Student Support

### **5. Protected disclosures**

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

5.2 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) 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 not merely be allegations of suspected malpractice.

## **6. Specific subject matter**

6.1 If in the course of employment, a worker becomes aware of information that 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.

6.2 Individually and as an organisation, we are accountable for ensuring we raise and respond to any such concerns in a fair, honest and open manner.

## **7. Procedure for making a disclosure**

7.1 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.

7.2 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 or any member of the Senior Leadership Team.

7.3 If the disclosure relates to the Principal, a worker can raise the issue with the Clerk of the Corporation 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.

7.4 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.

7.5 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.

7.6 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, workers should speak in confidence to their line manager, any member of SLT or if they are unsure they should speak to the Head of HR.

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

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

8.2 The college will determine whether or not it believes that the disclosure is wholly without substance or merit. Considerations to be taken into account when making this determination may include the following:

- whether the college is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- whether the matter is already the subject of legal proceedings or appropriate action by an external body; or
- whether the matter is already subject to another, appropriate college procedure.

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.

8.3 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.

8.4 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 an investigator the seriousness of the disclosure and the seniority of the worker making the disclosure should be taken into consideration.

8.5 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.

8.6 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.

8.7 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 ongoing.

8.8 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.

8.9 All investigations will be undertaken in a prompt, swift, proportionate, fair and blame-free manner with the purpose of robustly establishing the facts in an independent and transparent manner.

8.10 In the event that a disclosure relates to the Principal, the above procedure will be managed by three members of the Board of Directors or by an independent external advisor. A full investigation will take place in line with the above. If the worker is not satisfied that their concern has been appropriately addressed they will be provided with details of a further Board member or external independent advisor, who will undertake an appeal.

## **9. Safeguards for workers making a disclosure**

9.1 A worker making a disclosure under this procedure can expect their matter will 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.

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

9.3 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.

9.4 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.

9.5 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, e.g. to the media, without reasonable grounds.

9.6 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.

9.7 Where applicable the college will use mediation and dispute resolution to ensure that relationships are not damaged during such difficult circumstances.

9.8 Support is available to any member of staff raising a concern to ensure that they have access to advice and guidance. Staff should contact HR in the first instance and appropriate support will be identified and put in place.

## **10. Disclosure to external bodies**

10.1 This policy and procedure has been implemented to allow workers to raise disclosures internally within 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.

10.2 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 the information on the GOV.UK website but includes:

- Director of Children's Services (Blackpool)
- Children's Commissioner for England
- Secretary of State for Education
- Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted)
- Office of Qualifications and Examinations Regulation (Ofqual)
- Health and Safety Executive
- Financial Conduct Authority
- Her Majesty's Revenue and Customs (HMRC)
- The Director of Serious Fraud Office
- Charity Commission for England and Wales
- The Information Commissioner (data protection and freedom of information)
- Information Commissioner
- The Environment Agency
- Equality and Human Rights Commission



- National Crime Agency

10.3 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.

10.4 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 doing so.

## **11. Accountability**

11.1 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.

## **12. Further assistance for workers**

12.1 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

12.2 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.

12.3 General guidance on whistleblowing can be found via: [Advice on Whistleblowing](#) or the Whistleblowing Advice Line: 020 7404 6609. You may also consider contacting the Advisory, Conciliation and Arbitration Service (ACAS), your trade union or the whistleblowing charity Protect Advice line: 020 7404 6609, website [www.pcaw.org.uk](http://www.pcaw.org.uk) or email [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk).

12.4 The NSPCC whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by the college. Staff can call 0800 028 0285 between 8am and 8pm Monday to Friday or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

Alternatively, staff can write to: NSPCC, Weston House, 42 Curtain Road, London, EC2A 3NH

## **13. Other related policies**

- Staff disciplinary policy
- Grievance policy
- Compliments, concerns and complaints policy
- Safeguarding & child protection policy