

Whistleblowing Policy and Procedure

Policy Details	
Policy Owner	Deputy Chief Executive
CE Sponsor	Principal & Chief Executive
Date created	June 2023
Approved by	College Executive
Date fully approved	27 June 2023
Date to be reviewed	June 2026

Equality Impact Assessment Tool
Name of Policy: Whistleblowing Policy

		Yes/No	Comments
1	Does the policy/guidance affect one group less or more favourably than another based on:		See section 7 of this policy clarifying the position.
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
2	Is there any evidence that some groups are affected differently?	No	
3	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4	Is the impact of the policy/guidance likely to be negative?	No	
5	If so, can the impact be avoided?	N/A	
6	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7	Can we reduce the impact by taking different action?	N/A	

Version control (changes this version)

Version control section
 EDI Impact Assessment
 General updating of narrative
 New section Related Policies
 Stage 2 Point of contact reference per Governance Guide for FE colleges
 Chair of Corporation as designated Governor for whistleblowing matters
 s3.2 Stage 3 contact details updated
 s3.2 Stage 4 added referral to ESFA per Governance Guide for FE colleges

Related Policies

Staff Code of Conduct
 Workplace Resolution Policy
 Disciplinary Policy and Procedure for Staff
 Data Protection Policy

1. Introduction

The College Corporation and College Executive are committed to ensuring that there is a climate of openness in the College in which employees can raise legitimate concerns without fear of reprisal.

This policy applies to all employees and officers of the organisation. Other individuals performing functions in relation to the College, such as agency employees and contractors, are encouraged to use it.

It is important to the College that any fraud, misconduct or wrongdoing by employees or officers of the College is reported and properly dealt with. The College therefore encourages all individuals (including staff and Governors) to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.

Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a senior manager.

This procedure should not be confused with procedures for dealing with personal grievances, bullying and harassment, or safeguarding. It is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the College's Workplace Resolution Policy.

Background

The Public Interest Disclosure Act 1998 (PIDA) provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- concealment of any of the above
- a breach of the Prevent Duty as contained in the Counter-Terrorism and Security Act 2015

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the College's responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The College encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the HR department.

3. Procedure

3.1 Raising a Concern at Work

Concerns can be raised orally or, preferably, in writing. They should include the background and history of the concern, including relevant dates, and the reason why the situation gives particular cause for concern. Although

employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can viably be dealt with after a long period of time will depend on the circumstances.

Any approach will be treated with the strictest confidence and the employee's identity will not be disclosed without their prior consent except where legally required to disclose.

Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee, or giving feedback on the action being taken.

3.2 How to Raise a Concern

Wherever possible, an employee should raise their concern in the first instance with their line manager.

If an employee considers it not to be appropriate to raise their concerns directly with their line manager, because they consider the matter to be sensitive and serious or the employee believes the manager is involved, they should raise the concern with their SLT member.

If the SLT member is implicated in the concern, the employee should raise the concern with the Principal.

If the Principal is implicated in the concern the employee should raise the concern with the Clerk to the Corporation or the Chair of the Corporation.

Note: Any employee raising concerns covered by this policy has the right to be accompanied by an accredited trade union representative or colleague. An employee may also look for confidential advice about the policy from the HR Department.

Stage 1

Any manager who is approached by an employee with a concern must always:

- Take concerns seriously, without judgement, apology or condemnation

- Consider them fully and sympathetically
- Recognise that raising a concern can be a difficult experience for some people
- Seek advice from their own manager and human resources.

On receipt of a concern at work raised by an employee, the manager is required to acknowledge receipt and notify the Deputy Chief Executive

The concern will be investigated by the line manager or a more senior manager if appropriate. The employee raising the concern will be interviewed in confidence as will all others involved in the concern.

A record will be made of the nature and outcome of the concern. These records will be kept by the Clerk to the Corporation.

Stage 2

If the employee is unhappy/not satisfied by the outcome of Stage 1 they should raise the matter with the Principal (or if the Principal has been involved in the previous investigation, the Chair of the Corporation). They may alternatively raise the matter directly with the Chair of Corporation (as the designated Governor for whistleblowing purposes) if they wish, who is contactable via the Clerk to the Corporation. In either case, they will review the evidence and come to a decision as to whether the previous outcome was appropriate/satisfactory and if different outcome is required. The employee will be informed in writing of the outcome of subject to the constraints of confidentiality and the law.

In all cases where concerns are referred to Governors or the Board for consideration, there will be a prompt response to the whistleblower.

Stage 3

If the individual who raised the concern is not satisfied with the outcome of the investigation and/or inquiry they can contact Protect Public Concern at Work, a registered charity which advises on serious malpractice in the workplace for confidential advice <https://protect-advice.org.uk/>

Stage 4

Alternatively an individual may contact the Secretary of State (SoS) for Education via the ESFA enquiry service at www.esfahelp.education.gov.uk. In such circumstances it is likely that the enquiry service will refer the matter to the FE Territorial Team - London and South-East who will take forward an investigation in the first instance on behalf of the SoS.

4. Assurances and confidentiality

Where a concern is raised in confidence, The College will protect the identity of the whistleblower wherever possible. However, there will be circumstances where this is not possible, as for example where the whistle-blower is an essential witness, and the situation could not be investigated further without revealing the whistle-blower's identity. Should such a situation arise, we will discuss this directly with the whistle-blower.

If an employee makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that employee. If, however, any subsequent investigation concludes that an employee has made malicious allegations or raised concerns with a view to personal gain, disciplinary action may be taken against that employee.

All concerns raised under the procedure will be treated seriously and sensitively.

The College will not tolerate harassment or victimisation of anyone raising a concern under the procedure which that person reasonably believed was in the public interest whether or not it proves well-founded.

5. The outcome of the process

Where practicable, immediate steps will be taken to remedy the situation. Outcomes for all stages of this process will be advised within ten working days. However, these may take longer depending on the concern that is raised. In this event, the employee will be notified of expected timescales.

6. Data protection

When an individual makes a disclosure, the College will process any personal data collected in accordance with the Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

7. Equality Diversity and Inclusion

This policy sets out a clear framework to ensure that lawful, fair and effective arrangements exist for dealing with employees' protected disclosures. Adjustments shall be made in all circumstances to ensure a fair and inclusive process at all stages of this process.