
Whistleblowing Policy and Procedure

1 Policy Statement

1.1 The College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and staff (see 2.1) with a means to whistle blow. Whistleblowing is defined as:

'The disclosure by a person, usually an employee to those in authority, of corruption, illegality, or some other serious wrongdoing.'

1.2 The College encourages staff to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College.

1.3 This policy and procedure also aims to encourage staff to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows staff to raise such concerns externally and this policy informs staff 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.

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

1.5 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 and is committed to treat all disclosures consistently and fairly.

1.6 Learners at the College area are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint via the Complaints Procedure. This policy and procedure is designed for the use of staff of the College.

2 Scope

2.1 This policy applies to all employees of the College, including apprentices; and staff which include:

- any casual staff
- home-based casual staff
- employees of sub-contractors and
- agency staff engaged by the College.

2.3 Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any member of staff in this situation is encouraged to approach the Clerk to the Corporation in confidence for advice.

3 Protected Disclosures

- 3.1 The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows staff 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 4 below) and the disclosure must also be made in an appropriate way (see section 5). A 'protected disclosure' must (in the reasonable belief of the member of staff making it) also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4 When to use this Policy

- 4.1 If, in the course of employment, a member of staff 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.
- 4.2 This list is not intended to be exhaustive.

5 Procedure for Making a Disclosure

- 5.1 Information which a member of staff reasonably believes tends to show one or more of the situations given in Section 4 should be promptly disclosed to their line manager so that any appropriate action can be taken. The Member of staff should inform the Director of Human Resources and Organisational Development in writing or via e-mail at the same time.
- 5.2 If it is inappropriate to make such a disclosure to their line manager, a member of staff can raise the issue with a relevant Member of the Strategic Leadership Team.
- 5.3 If the disclosure relates to the Principal and Chief Executive, a member of staff can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk to the Corporation, a member of staff can raise the issue with the Chair of the Corporation.
- 5.4 Staff 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 consideration
- 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.

- 5.5 Anonymous disclosures can be made by using an anonymised email address. Anonymous whistleblowers will not ordinarily be able to receive feedback but may seek feedback through a telephone appointment by using an anonymised email address.
- 5.6 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 Clerk to the Corporation.

6 Procedure for Processing a Disclosure

- 6.1 When a member of staff makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.
- 6.2 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 member of staff 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 member of staff does not have a reasonable belief that suspected malpractice is occurring;
 - 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.
- 6.3 When a member of staff 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 or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
- 6.4 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 relates, or by an external investigator appointed by the College as appropriate.
- 6.5 Any recommendations for further action made by the College will be addressed to the Principal, or to the Chair of the Corporation, 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.
- 6.6 The member of staff 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. If the member of staff 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 will make a final decision on action to be taken and notify the member of staff making the disclosure.

7 Safeguards for Staff Making a Disclosure

- 7.1 Victimisation of the whistleblower is not acceptable. Any instances of victimisation will be taken seriously and managed appropriately under the College's existing Disciplinary Policy and Anti-bullying & Harassment Policy.
- 7.2 A member of staff 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.
- 7.3 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 member of staff making the disclosure without their written consent, or unless the College is legally obliged to do so, for the purposes of seeking legal advice.
- 7.4 Access to the College Employee Assistance Programme is available as a support mechanism for the member of staff making the disclosure in what can be a difficult or anxious time. Any such request for counselling or support services should be sought from the Human Resources Department and will be dealt with confidentially.

- 7.5 At any meeting to discuss the disclosure the member of staff making the disclosure may be accompanied by a trade union representative or colleague. Companions must respect the confidentiality of the disclosure and subsequent investigation
- 7.6 No formal disciplinary action will be taken against a member of staff 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 member of staff 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.
- 7.7 If a whistleblower believes that they have been unfairly treated because they have blown the whistle they may decide to take their case to an employment tribunal. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (Acas) early conciliation service.

Information can be found at: www.acas.org.uk/conciliation and the Acas helpline can provide further advice.

The Acas helpline details are:
Telephone: 0300 123 1100
Textphone: 18001 030 0123 1100
Monday to Friday, 8am to 8pm
Saturday, 9am to 1pm

8 Disclosure to External Bodies

- 8.1 This policy and procedure has been implemented to allow member of staff to raise disclosures internally within the College. A staff member may have the legal right to make a disclosure outside of the College in certain circumstances.
- 8.2 The College would encourage staff members to report their concerns internally in the first instance. The College strongly encourages staff members to seek advice before reporting a concern to any third party. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. If a staff member seeks advice outside of the College, they must be careful not to breach any confidentiality obligations.
- 8.3 For confidential advice on whistleblowing issues, staff can also contact the following:-

Public Concern at Work.
3rd Floor, Bank Chambers
6 - 10 Borough High Street
London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<http://www.pcaw.org.uk>

9 Recording

- 9.1 Managers are expected to record disclosures appropriately including the nature of the disclosure, date, investigation and outcome. An annual whistleblowing report consolidating the results will be considered at the Audit Committee.

Review frequency: every three years

Senior Manager responsible: Clerk to the Corporation

GUIDANCE TO STAFF

Do make an immediate note of your concerns
Do convey your suspicions to someone with the appropriate authority and experience
Do deal with the matter promptly
Don't do nothing
Don't be afraid of raising your concerns
Don't accuse any individuals directly
Don't try to investigate the matter yourself
Don't tell anyone about your suspicions other than those with the proper authority

GUIDANCE TO MANAGERS

Do be responsive to staff concerns
Do note details
Do try to evaluate the allegation objectively
Do advise the appropriate person:

- Director of HR and OD
- Clerk to the Corporation

Do deal with the matter promptly
Don't ridicule suspicions raised by staff
Don't approach or accuse any individuals directly
Don't convey your suspicions to anyone other than those with the proper authority
Don't try to investigate the matter yourself