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## Whistleblowing Policy and Procedure (Public Interest Disclosure)

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### 1. Policy Statement

- 1.1 City of Bristol College takes malpractice very seriously and we are committed to operating in an ethical and principled way. We expect all staff to maintain high standards of honesty and integrity. We encourage open communication from all those who work for us and we want everyone to feel secure about raising concerns.
- 1.2 All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection. It does not matter if an individual who raises a concern is mistaken about it—staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show the malpractice listed at paragraph 3.1 below.
- 1.3 This policy applies to all our employees, consultants, contractors and to other workers including agency workers, casual workers, volunteers, interns and home workers.
- 1.4 This policy does not form part of any contract of employment and may be amended at any time.
- 1.5 In addition to the College's Financial Regulations, the Whistleblowing Policy is complementary to the College's Financial Regulations. This policy also fulfils the College's obligations under the Bribery Act 2010. It may be appropriate that disclosures made under the Whistleblowing Policy may be dealt with under the College's Counter Fraud Policy.

### 2. Scope

- 2.1 There is a difference between whistleblowing and raising a grievance:
  - 2.1.1 whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens students, third parties or the public generally; but
  - 2.1.2 a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.
- 2.2 This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use our Grievance Procedure in the first instance. If you are uncertain whether

your concerns fall within the scope of this policy or the Grievance Procedure, you should seek advice from your line manager or the Director of Human Resources.

### **3. When to use this policy**

3.1 Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the activities the college undertakes (malpractice). The malpractice covered by this policy include:

- 3.1.1 criminal offences, including those in relation to bribery and corruption and tax evasion facilitation;
- 3.1.2 miscarriages of justice;
- 3.1.3 danger to the health and safety of any individual;
- 3.1.4 damage to the environment;
- 3.1.5 breach of any legal or professional obligation, including those in relation to bribery and corruption and tax evasion facilitation;
- 3.1.6 deliberately concealing any of the above.

3.2 Appendix 1 provides a summary of the guidance for staff and managers.

### **4. Safeguards for staff making a disclosure**

4.1 We are committed to the principles set out in this policy. If you use this policy to raise a concern, we give you our assurance that you will not suffer any form of retribution or detrimental treatment. We will treat your concern seriously and act according to this policy.

4.2 If you ask for a matter to be treated in confidence, we will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with your consent.

### **5. Procedure for raising a concern**

5.1 If you are concerned about any form of malpractice covered by this policy, you should normally raise the issue with your line manager (or their manager, if your concerns involve your line manager). You should also inform the Director of Human Resources in writing or via e-mail at the same time.

5.2 If it is inappropriate to make such a disclosure to a 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 should raise the issue with the Clerk to the Corporation who will act in conjunction with the Chair of Audit Committee. 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 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide, as a minimum, details of the nature of the concern and why you believe it to be true, and the background and history of the concern (giving relevant dates where possible).
- 5.5 You may wish to consider discussing your concern with a colleague or trade union supporter before raising it formally under this policy but remember that once you have raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

## **6. Responding to concerns raised**

- 6.1 We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. We will arrange a meeting as soon possible to discuss the concern raised. You may bring a colleague or trade union supporter to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.
- 6.2 After the meeting, we will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. The College's External Auditors and Chair of the Audit Committee may have a role if there are allegations of fraud. We will endeavour to complete investigations within a reasonable time.
- 6.3 We will keep you informed of the progress of the investigation carried out and when it is completed, and give you an indication of timings for any actions or next steps that we will take, but we cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

## **7. Confidentiality**

- 7.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.
- 7.2 We hope that all staff will feel able to voice their concerns openly under this

policy. Although a concern may be raised anonymously, we encourage you to give your name when reporting your concern whenever possible. If this is not done, it will be much more difficult for us to protect your position or to give feedback on the outcome of investigations. Concerns that are expressed completely anonymously are also much less powerful and are difficult to investigate.

#### **8. If you are not satisfied**

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with the Principal & CEO or the Director of HR & OD.

#### **9. Raising your concern externally (exceptional cases)**

- 9.1 The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. We would expect that in almost all cases raising concerns internally would be the most appropriate course of action.
- 9.2 Whistleblowing concerns may sometimes relate to the actions of a third party, such as a supplier or service provider]. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this policy.
- 9.3 If, for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator (e.g. Ofsted/Department for Education/Education and Skills Funding Agency) or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect (formerly known as Public Concern at Work). See Appendix 2. Further information is also available online at [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing).
- 9.4 We strongly encourage any individual to seek appropriate advice before reporting a concern to anyone external. Protect (formerly known as Public Concern at Work) is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and operate a confidential helpline (see Appendix 2).

#### **10. Protection and support for those raising concerns**

10.1 We are committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

10.2 Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If you believe that you have suffered such treatment, you should inform the Clerk to the Corporation or Director of HR & OD immediately. If this is then not dealt with to your satisfaction, you should raise it formally using our Grievance Procedure.

10.3 No member of staff must threaten or retaliate against an individual who has raised a concern and we will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action and in some cases will be liable to a claim for compensation brought against them personally.

10.4 To ensure the protection of all our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest will also be liable to disciplinary action.

## Linked policies

- Anti-Bribery Policy

<b>Version</b>	
<b>Approved by:</b>	Main Corporation Board
<b>Date of approval:</b>	October 2023
<b>Date for Review:</b>	October 2026
<b>Lead Officer:</b>	Clerk to the Corporation
<b>Senior Manager responsible:</b>	Clerk to the Corporation

### Appendix one – Guidance for staff

#### **GUIDANCE FOR STAFF**

Do follow the College Whistleblowing Policy

Do make an immediate note of your concerns

Do raise your concerns with your line manager and the Director of Human Resources

Do deal with the matter promptly

Do keep the concerns and any investigation confidential

Don't do nothing

Don't be afraid of raising your concerns

#### **GUIDANCE FOR MANAGERS**

Do follow the College Whistleblowing Policy

Do be responsive to staff concerns and record appropriate details

Do immediately notify the Director of Human Resources

Do evaluate concerns objectively

Do keep the concerns and any investigation confidential

Don't disregard or deny concerns raised by staff

Don't treat staff raising concerns detrimentally in any way

Don't investigate or take any action without the authorisation and support of HR.

If you have any queries about the application of this policy, please contact the Clerk to the Corporation in the first instance.

## Appendix Two- Further Information & Contacts

Protect (formerly known as Public Concern at Work) is a source of further information and advice at <https://protect-advice.org.uk/>. It also provides a free helpline offering confidential advice on 020 3117 2520. Other relevant regulators may include:

Name of regulator	Contact details
Her Majesty's Chief Inspector of Education, Children's Services and Skills	The Chief Inspector Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
Secretary of State for Education / Education and Skills Funding Agency	Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD Tel: 0370 000 2288 Website: <a href="http://www.gov.uk/contact-dfe">www.gov.uk/contact-dfe</a>
The Health and Safety Executive	Tel: 0300 003 1647 Online form: <a href="http://www.hse.gov.uk/contact/concerns.htm">www.hse.gov.uk/contact/concerns.htm</a>