

**Whistleblowing Policy and Procedure**

**1. Introduction**

- 1.1 The College is committed to operating in an ethical and principled manner. The aim of this policy and procedure is to provide staff and employees (referred to as ‘workers’ in this policy) with a means for raising genuine concerns of suspected bribery, financial impropriety, breaches of the law, fundraising malpractice, including fraud and other serious wrongdoings.
- 1.2 The College encourages workers 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 Workers are encouraged 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.
- 1.4 This policy and procedure seeks to balance the need to allow a culture of openness against the need to protect other workers from 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.
- 1.6 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Vice Principal for Learner Experience. This policy and procedure is designed for the use of workers of the College.

**2. Scope**

- 2.1 This policy applies to all:
  - Workers of the College
  - Governors
  - Apprentices
  - Volunteers
  - Casual workers
  - Workers of subcontractors
  - Agency workers
- 2.2 Workers 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 worker in this situation is encouraged to approach the Head of Human Resources in confidence for advice.

Owner:	Clerk	Approved by:	Board
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**Whistleblowing Policy and Procedure**

**3. Protected disclosures**

- 3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 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 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 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.

**4. Specific Subject Matter**

- 4.1 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 financial impropriety, bribery and/or fraud is being, is likely to or has taken place;
  - That an individual has failed, is failing or is likely to fail to comply with any legal obligation which they are subject;
  - That the health or safety of any individual has been, is being, or is likely to be, endangered;
  - That concerns about poor or unsafe practice and potential failures in the college’s safeguarding and Prevent regime are not being addressed;
  - 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.

This list is not intended to be exhaustive.

**5. Procedure for making a disclosure**

- 5.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to the Clerk to the Board, preferably in writing, so that any appropriate action can be taken. (For confidentiality purposes, if the worker requests to raise their concern verbally, the College will allow the worker to do so.)

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**Whistleblowing Policy and Procedure**

- 5.2 In the event that the disclosure relates to the Clerk of the Board, a worker can raise the issue with the Chair of the Board of Governors. Disclosure may also be made directly to the Principal if, in the opinion of the person making such a disclosure, they have not had a satisfactory response.
- 5.3 Workers are encouraged to identify themselves when making a disclosure. The identity of any person making a disclosure shall, if desired, be kept confidential for as long as this is feasible, provided that this is compatible with a proper investigation. 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 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.

- 5.4 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 the Head of Human Resources.

**6. Procedure for investigation of a disclosure**

- 6.1 When a worker makes a disclosure, the Clerk to the Board will acknowledge its receipt, in writing, within a reasonable timescale.

- 6.2 The College will then determine whether it believes that the disclosure is of sufficient substance or merit. If the College considers that the disclosure does not have sufficient substance or 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.

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**Whistleblowing Policy and Procedure**

- 6.3 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; or referral to relevant external bodies such as the police, OFSTED, funding bodies, 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. Each stage of the process should be officially recorded and signed by the investigating manager and by the person making the disclosure. Should the latter wish to remain anonymous, they will be required to sign a separate document confirming that the complaint is being investigated.
- 6.5 A report with recommendations will be produced within 15 working days by the investigating manager. If the matter being investigated is of such complexity that an extension of the period is required, the discloser will be advised that there will be an extension of the investigation period by a further 15 working days.
- 6.6 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the College’s Board of Governors 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.
- 6.7 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. 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 within 5 working days of receiving the outcome. The Principal will make a final decision on action to be taken and notify the worker making the disclosure. This will be in writing and sent to the worker’s home address. If investigations into the concern are prolonged, the College will keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion will be provided.

**7. Safeguards for workers making a disclosure**

- 7.1 A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the College and, where appropriate, so far as is possible their name will not be disclosed to anyone implicated in the suspected wrongdoing.
- 7.2 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.

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7.3 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.

7.4 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 disclosure in accordance with this policy and procedure. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

**8. Disclosure to external bodies**

8.1 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, however, it is expected that usually the internal procedure would have been exhausted before doing so.

8.2 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](http://the.GOV.UK.website). General advice about whistleblowing can be found here: <https://www.gov.uk/whistleblowing>

8.3 The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

8.4 Workers can also make disclosures on a confidential basis to the College's internal auditors or a practising solicitor or barrister.

8.5 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.

**9. Accountability**

9.1 The Clerk to the Board will report 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) to the Audit Committee at the first available meeting.

9.2 The Clerk to the Board 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 College's Board of Governors on an annual basis as appropriate.

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**10. Further assistance for workers**

- 10.1 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 or the Head of Human Resources.
- 10.2 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 Human Resources. Such a request would be made in confidence.
- 10.3 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:  
 3rd Floor, Bank Chambers  
 6 - 10 Borough High Street  
 London SE1 9QQ  
 Whistleblowing Advice Line: 020 7404 6609, <http://www.pcaw.org.uk>

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