

## Whistleblowing Procedure P22

### Document control

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### 1. INTRODUCTION

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 (referred to as ‘workers’ in this policy) with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

1.2 The College encourages employees 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 genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.

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

1.4 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.

## **2. APPLICABILITY OF THIS POLICY AND PROCEDURE**

2.1 This policy applies to all employees, officers, consultants, contractors, volunteers, interns, hourly paid staff and agency workers.

2.2 Any worker who is unsure about whether to raise their concern under this policy or as a personal grievance under the College's grievance procedure is encouraged to approach the Head of People in confidence for advice.

## **3. PROTECTED DISCLOSURES**

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

3.2 The law allows employees 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 3 below) and the disclosure must also be made in an appropriate way (See Section 4). A 'protected disclosure' must, in the reasonable belief of the employee 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**

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 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.

## **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 their line manager (CLT member) so that any appropriate action can be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with the Head of People or a member of the College's SLT.

5.3 If the disclosure relates to the Principal and Chief Executive, a worker can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance, a worker can raise the issue with the Chair of the Board of Governors.

5.4 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; and
- How likely it is that the concern can be confirmed from attributable sources.

5.5 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 Head of Human Resources

## **6. PROCEDURE FOR INVESTIGATING A DISCLOSURE**

6.1 When an employee makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time i.e. within 5 working days

6.2 The College will carry out an initial assessment to determine the scope of any investigation. It will inform the employee of the outcome of its assessment.

6.3 The College will determine the appropriate action to take (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, the College has designated the Director of Finance and the Head of People as suitable persons to receive whistleblowing concerns. Either of these persons may be contacted in the first instance and will act as Investigating Officer. If either the Director of Finance or the Head of People were implicated in the allegation then the matter should be referred to the Principal who will designate a member of the Senior Leadership Team to act as an Investigating Officer. In some cases the College may appoint an external investigator or a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.

6.5 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.

6.6 The employee making the disclosure will usually be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time (usually within 10 working days). However, sometimes the need for confidentiality may prevent the College giving the employee specific details of the investigation or any disciplinary action taken as a result. Employees should treat any information about the investigation as confidential.

6.7 If the employee is not satisfied that their concern has been appropriately addressed, they can raise it with the Principal within 5 working days. The Principal will make a final decision on action to be taken and notify the employee making the disclosure.

6.8 There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:

- The College is satisfied that an employee does not have a reasonable belief that suspected malpractice is occurring; or
- The matter is already the subject of legal proceedings or appropriate action by an external body; or
- The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

## **7. SAFEGUARDS FOR A WORKER MAKING A DISCLOSURE**

7.1 An employee 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.

7.2 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 employee 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.

7.3 No disciplinary action will be taken against an employee on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against an employee where the College has a reasonable belief that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.

7.4 An employee 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 an employee 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 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.

8.2 The law recognises that in some circumstances it may be appropriate for employees to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The College strongly encourages employees to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline.

8.3 Employees 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.

## 9. FURTHER ASSISTANCE FOR EMPLOYEES

Under amendments made by section 19 of the Enterprise and Regulatory Reform Act

9.1 The College will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure an employee 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 Head of Human Resources.

Staff must not threaten or retaliate against whistleblowers in any way and staff that are found to be involved in such conduct may be subject to disciplinary action.

9.2 An employee 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 Head of HR. Requests will be treated in confidence.

9.3 Employees 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>