



Whistleblowing Policy

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1 Introduction

- 1.1 The College is committed to the highest standards of openness, probity and accountability. Where an individual discovers information which shows malpractice within the organisation, then this information should be disclosed without fear of reprisal.
- 1.2 All employees of the College owe a duty of confidentiality to the College. This legal duty prohibits employees from disclosing confidential information concerning the College, its officers or employees or any other matter concerning the business of the College to anybody other than their employer. The only exception to this is in the very limited circumstances set out in Part IVA of the Employment Rights Act 1996.
- 1.3 The purpose of this policy is to ensure that staff have clear guidelines should they wish to report any matter of malpractice concerning College business (including failure to comply with a legal obligation, criminal activity, financial malpractice or impropriety or fraud, health and safety matters or any action which may cause damage to the environment), or concerning activities of College employees.
- 1.4 Laws relating to this policy are the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998

2 Scope

- 2.1 This policy applies to all workers at the College including current and former employees and other individuals performing functions in relation to the College, such as agency workers, contractors and consultants.
- 2.2 This policy does not form part of an employee's contract of employment or otherwise have any contractual effect. This policy may be varied, withdrawn or replaced at any time by the college at its absolute discretion.

3 Background

- 3.1 The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that any of the following is being, has been, or is likely to be, committed :
 - a criminal offence;
 - a miscarriage of justice;
 - improper use of public money;
 - an act creating risk to health and safety;
 - an act causing damage to the environment;
 - a breach of any other legal obligation;
 - an act or omission by a public body that is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement or
 - concealment or destroying of information relating to any of the above;

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no

responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

- 3.2 A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.
- 3.3 The College encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department or they can raise their complaint with the Clerk to the Corporation via email on robertusfaber@hotmail.co.uk.

4 Principles

- 4.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 4.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- 4.3 No worker 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 worker will not be prejudiced because he/she has raised a legitimate concern.
- 4.4 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence. If misconduct is discovered as a result of any investigation under this procedure the College disciplinary procedure will be used, in addition to any appropriate external measures.
- 4.5 Allegations which are made frivolously, maliciously or for personal gain may result in disciplinary action being taken.
- 4.6 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, workers should not agree to remain silent. They should report the matter to the Principal, HR or the Corporation if it is against a senior post holder.
- 4.7 This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the College's grievance procedure.

5 Anonymous allegations

- 5.1 This policy encourages you to put your name to your allegation where possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.
- 5.2 In exercising this discretion the facts which need to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern and
- The likelihood of confirming the allegation from attributable sources.

6 Reporting a concern

- 6.1 As a first step a worker should raise concerns with their line manager. This depends on the sensitivity of the issues involved and who is suspected of malpractice. If the line manager is not appropriate for any reason then the worker should raise their concerns with the appropriate Senior Leadership Team member and Head of Human Resources. They will then pass the matter to the nominated person in the Corporation to investigate.
- 6.2 The Chair of the Audit Committee is the Corporation's nominated person to deal with matters under the Public Interest Disclosure Act 1998.
- 6.3 The Chair of the Audit Committee will investigate the matter, which may involve the worker and other individuals involved giving a written statement.
- 6.4 Any investigation will be carried out in accordance with the principles set out in point 4 above. The worker's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.
- 6.5 The Chair of the Audit Committee will report the outcome of the investigation to the Corporation, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.
- 6.6 If disciplinary action is required, The Corporation will notify the College Principal and the Head of Human Resources, who will arrange for the matter to be dealt with under the College's Conduct and Disciplinary Procedure.
- 6.7 On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Corporation has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.
- 6.8 If on conclusion of the investigation the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
- HM Revenue & Customs;
 - the Financial Conduct Authority (formerly the Financial Services Authority);
 - the Competition and Markets Authority;
 - the Health and Safety Executive;
 - the Environment Agency;
 - the Independent Police Complaints Commission;
 - the Serious Fraud Office;
 - The Information Commissioners Office
- 7 If you have any queries about this policy, please contact Human Resources.