



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 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 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.
- 1.4 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.
- 1.5 Laws relating to this policy are the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998

2 Scope and applicability of this policy and procedure

- 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 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 one of the Designated Assessors (see Section 4) in confidence for advice.
- 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 This policy may be varied, withdrawn or replaced at any time by the college at its absolute discretion.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 and Protected Disclosures

- 3.1 The law provides protection for workers who raise legitimate concerns about specified matters. These are called "protected 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 'protected disclosure' must consist of information and not merely be allegations of suspected malpractice.
- 3.2 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 his policy and procedure to advise that:

- 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;

3.3 Where the concerns are about safeguarding children or young people, the College's Designated Senior Person for Child Protection should be notified.

3.4 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.

3.5 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 a designated assessor as outlined in section 4.

4 Designated Assessors

The Principal will ensure that at least three but not more than five members of staff of appropriate experience and standing within the college are designated at any time for the purposes of this procedure as designated assessors ('Designated Assessors') and that one of the members shall be designated as lead designated assessor ('The Lead Assessor'). With effect from 1st September 2022, the designated assessors will be:

Lead Designated Assessor: Vice Principal (*James Gould*)

Other Designated Assessors: Principal (*David Vasse*)
 Assistant Principal for Qualifications and Assessment (*Barbara Nearchou*)
 Clerk to the Corporation
 Assistant Principal for Wellbeing and Support (*Jonathan Service*)

The Principal may revoke any such designation from time to time and appoint new Designated Assessors. The Principal will report any such revocation to the next meeting of the corporation, together with brief reasons for the revocation.

5 Principles

5.1 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.

5.2 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.

- 5.3 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.
- 5.4 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.
- 5.5 Allegations which are made frivolously, maliciously or for personal gain may result in disciplinary action being taken.
- 5.6 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.
- 5.7 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.

6 Procedure for making a disclosure

- 6.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 3 should promptly be disclosed to one of the Designated Assessors.
- 6.2 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 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:
- 6.3 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 one of the Designated Assessors.
- 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.

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 one of the Designated Assessors.

7 Reporting a concern

- 7.1 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.
- 7.2 The College will then determine whether 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 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.

7.3 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 investigations; 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.

7.4 If appropriate, any internal investigation could be conducted by:

- a) A designated assessor, or
- b) A manager of the college without any direct association with the individual to whom the disclosure relates, or
- c) By an external investigator appointed by the College as appropriate.
- d) Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer, such as the Clerk to the Corporation, to investigate the concern.

7.5 The investigation will be carried out in an expeditious fashion; however, no timescales are set, as different types of concerns will require varying time for investigation.

7.6 All communications with the worker making the disclosure will be in writing and sent to the worker's home address rather than through the College's internal mail or email. If investigations are prolonged, the College will keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

7.7 Any recommendations for further action made by the College will be addressed to the Principal or 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.

7.8 The worker making the disclosure will be notified of the outcome of any action being 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 or the Chair of the Corporation within 10 working days. The Principal or the Chair of the Corporation will make a final decision on action to be taken and notify the worker making the disclosure.

7.9 If disciplinary action is required, The Corporation will notify the 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.

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 the college where there are reasonable grounds to do so and in accordance with the law.
- 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 on the www.gov.uk website.
- 8.3 Workers can also make disclosures on a confidential basis to a practicing solicitor or barrister.
- 8.4 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 College 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 no action should be taken) and will report to the Corporation's Audit Committee on a termly basis as appropriate.

If you have any queries about this policy, please contact Human Resources.