



WHISTLEBLOWING POLICY & PROCEDURE (incorporating AoC model policy)

| Version Control Table | | | |
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| 1.0 | Approved | Debra Baldwin, Director of Personnel | Feb 2002 |
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Date of next review: July 2024

Whistleblowing Policy and Procedure

1. Introduction and purpose of policy

- 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 a means for raising genuine concerns of suspected bribery, breaches of the law 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 This policy and procedure also aims to encourage workers 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 also seeks to balance the need to allow a culture of openness against the need to protect other workers against 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 any member of staff. This policy and procedure is designed for the use of workers of the College.

2. Applicability of this policy and procedure

- 2.1 This policy applies to all employees of the College; and
- 2.2 Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and
- 2.3 Agency workers engaged by the College.
- 2.4 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 Director of Personnel in confidence for advice.

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

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, or they believe are not being addressed by College procedures or processes, they must use this policy and procedure:

- A criminal offence has been committed, is being committed or is likely to be committed;
- An individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- A miscarriage of justice has occurred, is occurring, or is likely to occur.
- The health or safety of any individual has been, is being, or is likely to be, endangered.
- The environment, has been, is being, or is likely to be, damaged.
- 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 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 Director of Personnel, a member of the College Management Team (CMT) or the Clerk to the Corporation.
- 5.3 If the disclosure relates to allegations against senior managers or the 'holder of a senior post' as defined in the College's Articles of Government should be referred to the Clerk to the Corporation and/or the Chair of Governors, who will make arrangements for the investigation, following the principles of this procedure.
- 5.4 In the event that the disclosure relates to the Clerk to the Corporation, a worker can raise the issue with the Chair of Governors. In the event that the disclosure is against the Chair of Governors or a Governor, this should be raised with the Clerk to the Corporation who shall address with the Chair of the Audit Committee or Chair of Governors, as applicable.
- 5.5 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:
 - 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.

- 5.6 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 Director or Personnel or the Clerk to the Corporation.

6. Procedure for investigation of a disclosure

- 6.1 Allegations should normally be raised, in writing, to the Director of Personnel or in their absence the Clerk to the Corporation. In exceptional circumstances it may be appropriate for an employee to raise a concern orally with the Director of Personnel who will make a full note of the allegation which should not identify the complainant. The Director of Personnel will confirm receipt of the allegation in writing (to the complainant's home address) in 'strictest confidence' and then carry out a comprehensive internal investigation. This will commence with a detailed interview with the employee making the allegation who will be fully advised of the process. If at any stage of the investigation evidence of criminal activity is found, the police should be informed.
- 6.2 If the matter to be investigated is thought to potentially involve gross misconduct, the employee who is the subject of the investigation may be immediately suspended from work on full pay by the Principal while the investigation proceeds. Similarly, if during the course of the investigation the Director of Personnel is of the view that a serious breach of discipline may have occurred, the Principal may suspend the employee. Any decision to suspend will be confirmed in writing within three working days with reasons for the suspension. In the absence of the Principal, the Deputy Principal, Director of Finance and Director of Personnel has the authority to suspend employees. Full details of the rules governing suspension pending a disciplinary hearing are included in the Disciplinary Procedure.
- 6.3 The Director or Personnel, or appointed investigating officer, will determine whether or not they believe that the disclosure is wholly without substance or merit. If they consider that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the 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.
- 6.4 When a worker makes a disclosure which has sufficient substance or merit warranting further action, the Director of Personnel will take action they deem 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, Health and Safety Executive or the Information Commissioner's Office.
- 6.5 If the allegations concern financial misconduct, the investigating officer may engage the services of an appropriate external organisation to carry out or assist with the investigation.

- 6.6 Internal investigation will be conducted by the investigating officer; namely, the Director of Personnel, another member of the College Management Team without any direct association with the individual to whom the disclosure relates, a designated officer, such as the Clerk of the Corporation or by an external investigator appointed by the College as appropriate.
- 6.6 As part of the investigation, an interview will normally be held with the employee who is the subject of the allegation. This employee will have the right to be represented by a recognised trade union representative or colleague employed by the College. On completion of all interviews the investigating officer will provide a written report to the worker (in 'strictest confidence' to their home address). The report will, as far as is possible in the circumstances and subject to any third-party rights, state the outcome of the investigation and the proposed action.
- 6.7 Any recommendations for further action made by the investigating officer will be addressed to the Principal or Chair 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.
- 6.9 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 or Chair of Governors within 10 working days. The Principal or Chair of Governors will make a final decision on action to be taken and notify the worker making the disclosure.
- 6.10 The procedure encourages the expeditious investigation of disclosures. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation.
- 6.11 All communications with the worker making the disclosure should be in writing and sent to the worker's home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College should keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion

7. Safeguards for workers making a disclosure

- 7.1 A worker making a disclosure, either in writing or verbally, 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 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.
- 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.
- 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](#).
- 8.3 Workers can also make disclosures on a confidential basis to a practising 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 that no action should be taken) and will report to the Audit Committee on an annual basis as appropriate.

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 Clerk to the Governors.
- 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 Personnel Manager. 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>