

Whistle Blowing Policy (Public Interest Disclosure)

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	Committee		
	Board		March 2024
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External website appropriate:			Yes
Linked policies/ documents			

Whistle Blowing Policy (Public Interest Disclosure)

1. Policy Statement and Purpose

The Whistle Blowing Policy, aligned with the Public Interest Disclosure Act 1998, provides a confidential mechanism for staff, students and others to report suspected malpractice, ensuring their protection from reprisal. The policy promotes integrity and public confidence in the College's operations.

The College expects honesty and due professional care and conduct from all its staff and students and will investigate very seriously any allegation of wrongdoing. In order to safeguard these standards, it is important that any member of staff should feel able to report upon their infringement without fear of incurring any penalty by having done so.

Purpose

The College is committed to operating in an ethical and principled way. The aim of this policy is to provide students or staff with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings. The College encourages the raising of genuine concerns about suspected wrongdoings at the earliest practicable stage. This policy is intended to provide safeguards to enable staff or students to raise concerns about malpractice in connection with the College. This policy aims to offer an assurance to staff and students that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in good faith.

This policy should not be seen to encourage false, vexatious or malicious complaints. The College has an obligation to protect its staff, students and other parties from deliberately untrue, vexatious and/or malicious disclosures. Where there are reasonable grounds to believe that this is the case, or where an external disclosure is made in breach of these procedures without reasonable grounds, the College reserves the right to initiate disciplinary procedures.

Scope

The policy applies to all College staff and students.

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing unless the case is in the public interest, therefore it does not supersede existing procedures like Grievance, Complaints, or Disciplinary processes.

Low level concerns should be reported to the tutor or manager, unless the staff or student feels that their genuine concerns are not being addressed.

Safeguarding concerns should be reported in line with the safeguarding policy, unless the staff or student feels that their genuine concerns are not being addressed.

2. Definitions

- **Malpractice:** Any action that falls under theft, fraud, corruption, legal or health and safety breaches, and abuse of students or staff.

- **Low level concern:** An adult working in/on behalf of the college that may have acted in a way that is inconsistent with the staff code of conduct, which isn't serious enough to meet the harm threshold.
- **Safeguarding:** 'Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as: protecting children, young people and vulnerable adults from maltreatment; preventing impairment of health or development; ensuring they develop in circumstances consistent with the provision of safe and effective care; and taking action to enable all children, young people and vulnerable adults to have the best outcomes,' (Keeping Children Safe in Education, KCSIE, Sept 2023) Keeping children safe in education - GOV.UK (www.gov.uk).

3. Responsibilities

Where the student, employee, contractor or sub-contractor reasonably believes that a serious issue has been identified, or that an individual is failing to comply with any legal obligation, that a miscarriage of justice has occurred, or the health and safety of an individual is being endangered this must promptly be disclosed to the Principal so that any appropriate action can be taken.

If the disclosure relates to the Principal, then the issue can be raised with the Governance Professional, who will pass to the Chair of Audit Committee. If the disclosure relates to the Governance Professional, the issue can be raised with the Chair of the Board of Governors.

4. Procedures

- 4.1 **Staff, contractors, and sub-contractors:** Staff should initially raise their concerns in writing with their line manager for investigation or further action as detailed in Appendix A.
- 4.2 **Students:** Students with concerns should report to their programme leader for investigation or further action as detailed in Appendix B.
- 4.3 If the concern involves the line manager, course leader, or if there is fear of victimisation, the reporter should write to the Governance Professional.
- 4.4 In cases involving the Principal, the Chair of the Corporation and the Chair of the Audit Committee will be informed. The Chair of Audit Committee will be the investigating officer.
- 4.5 If the Governance Professional is implicated, the Chair of the Audit Committee or the external auditors should be contacted.
- 4.6 The investigating officer (Chair of Audit) will meet with the reporting individual, gather information, discuss confidentiality, and recommend appropriate actions including internal investigation, involving auditors, reporting to the police, or no further action.
- 4.7 The Audit Committee will be informed of all stages of the investigation.
- 4.8 Line managers will deal with low level concerns directly, reviewing the matter with the HR Manager.
- 4.9 Low level concerns will be logged by the HR department on an employee's file.

5. Compliance

- Compliance will be monitored through the handling of concerns and investigations by the Governance Professional.

- The identity of the reporter is kept confidential unless consent is given or if legal obligations necessitate disclosure.
- All communications to the reporter are written and sent to their home address.
- If dissatisfied, the reporter can request a meeting with a new investigating officer.
- A summary report will be provided to the Audit Committee on an annual basis.

6. References

- [Public Interest Disclosure Act 1998](#)
- [NSPCC Whistleblowing Advice Line](#)
- [Ofqual Complaints and Whistleblowing](#)
- [Complain about a state school to Ofsted - GOV.UK \(www.gov.uk\)](#)

7. Review and Monitoring

This policy will be reviewed every 3 years to ensure its effectiveness and compliance with relevant legislation.

Reviewed: February/June 2013, August 2018, October 2019, October 2022, March 2024

Next review date due: March 2027

Appendix A: Whistleblowing Procedure - Staff, contractors, and sub-contractors

Staff requiring assistance in connection with this procedure (e.g. due to reasons relating to disability or the need for translation from English) should contact Human Resources. The College is committed to making reasonable adjustments for staff who consider they have a disability.

1. Raising a concern

1.1 Submission: Write down your concern, detailing the issue and send it to your manager (or relevant senior person if it involves your manager). This can be sent via email or in the form of a letter. If the concern is against a senior post holder, then the concern should be sent to the Governance Professional, who will arrange for the matter to be heard by a member of a committee of the Corporation.

1.2 Meeting Arrangement: The College will arrange a meeting, ideally within 5-10 working days of receiving the complaint.

1.3 Representation: You may bring a trade union representative or a colleague to the meeting. (Please refer to the Additional Notes section for guidance on the role of the companion.) Before the meeting, you will need to let HR or the Governance Professional know who your companion will be.

1.4 Panel: There will be a minimum of 2 people to form the investigation panel. Depending on the level of concern it will be either Programme Leader, Vice Principal, Principal or the Chair of Audit with one other member.

1.5 Evidence and Witnesses: In the meeting you will have the opportunity to show evidence to support your concern.

If the concern involves another employee, the College may require the attendance of that employee or any other employees who may be able to provide relevant information.

1.6 Discussion: At the meeting, you or your companion can explain your concern. The panel may ask questions to gather more information.

1.7 Investigation: The manager will consider all information and will adjourn for further investigation.

1.8 Outcome: A decision will be communicated to you in writing as soon as possible, usually within 5-20 working days, depending on the complexity. Your letter will outline, where appropriate, what action the College intends to take to resolve the issue. Where the decision is to not uphold the concern, the reasons for this will be explained in the letter.

2.0 Additional Notes

You have the right to be accompanied by a fellow worker or trade union representative, where they are invited by the College to attend the whistleblowing investigation meeting and when they make a reasonable request to be so accompanied.

The trade union representative can be an officer employed by a trade union, or a lay trade union officer, so long as (in the latter case) they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee's companion at whistleblowing meetings.

An employee may ask an official from any trade union to accompany them at a whistleblowing investigation meeting, regardless of whether he or she is a member, or the union is recognised by the College.

A fellow worker or trade union representative who is to accompany the complainant at the whistleblowing investigation meeting should be permitted to take a reasonable amount of paid time off to fulfil this. This should cover the meeting and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the complainant before and after the meeting.

To exercise the right to be accompanied, a complainant must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for a complainant to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for a complainant to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the meeting to put and sum up the complainant's case, respond on behalf of the complainant to any views expressed at the meeting and confer with the complainant during the meeting. The companion does not, however, have the right to answer questions on the complainant's behalf, address the meeting if the complainant does not wish it or prevent the complainant from explaining their case.

The companion must adhere to the standards of confidentiality set within the meeting during the full investigation and follow such guidelines as the procedure requires.

If the a complainant disagrees, on the grounds of equality and diversity, with the selection of the Whistleblowing investigation manager or panel, they have the right to request an alternative. This will be considered by the Governance Professional and, where reasonable and practicable, alternatives will be provided.

Appendix B: Whistleblowing Procedure - Students

Students requiring assistance in connection with this procedure (e.g. due to reasons relating to disability or the need for translation from English) should contact Human Resources. The College is committed to making reasonable adjustments for staff who consider they have a disability.

1. Raising a concern

1.1 Submission: Write down your concern, detailing the issue and send it to your Programme Leader (or Vice Principal if it involves your Programme Leader). This can be sent via email or in the form of a letter. If the concern is against the Vice Principal, then the concern should be sent to the Governance Professional, who will arrange for the matter to be heard by a member of the Corporation.

1.2 Meeting Arrangement: The College will arrange a meeting, ideally within 5-10 working days of receiving the complaint.

1.3 Representation: You may bring a companion to the meeting. (Please refer to the Additional Notes section for guidance on the role of the companion.)

Before the meeting, you will need to let the lead of the meeting know who your companion will be.

1.4 Panel: There will be a minimum of 2 people to form the investigation panel. Depending on the level of concern it will be either Programme Leader, Vice Principal or the Chair of Audit with one other member.

1.5 Evidence and Witnesses: In the meeting you will have the opportunity to show evidence to support your concern.

1.6 Discussion: At the meeting, you or your companion can explain your concern. The panel may ask questions to gather more information.

1.7 Investigation: The investigation panel will consider all information and will adjourn for further investigation.

1.8 Outcome: A decision will be communicated to you in writing as soon as possible, usually within 5-20 working days, depending on the complexity. Your letter will outline, where appropriate, what action the College intends to take to resolve the issue. Where the decision is to not uphold the concern, the reasons for this will be explained in the letter.

2.0 Additional Notes

You have the right to be accompanied by a companion, where they are invited by the College to attend the whistleblowing investigation meeting and when they make a reasonable request to be so accompanied.

To exercise the right to be accompanied, a student must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for a student to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for a student to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the meeting to put and sum up the student's case, respond on behalf of the student to any views expressed at the meeting and confer with

the employee during the meeting. The student does not, however, have the right to answer questions on the student's behalf, address the meeting if the student does not wish it or prevent the student from explaining their case.

The companion must adhere to the standards of confidentiality set within the meeting during the full investigation and follow such guidelines as the procedure requires.

If the student disagrees, on the grounds of equality and diversity, with the selection of the Whistleblowing investigation manager or panel, they have the right to request an alternative. This will be considered by the Governance Professional and, where reasonable and practicable, alternatives will be provided.