Whistleblowing Policy

1 Purpose and scope

This policy is intended to comply with current whistleblowing legislation and reflects the organisation's duty to respond appropriately to protected disclosures and take reasonable steps to prevent detriment to individuals who raise concerns. We recognise that how concerns are handled is critical to maintaining trust and confidence and ensuring staff feel safe to speak up in the public interest.

All colleges face the risk of things going wrong or of unknowingly harbouring malpractice. We take malpractice very seriously and are committed to conducting our institution with honesty and integrity, and we expect all staff to maintain high standards too. We encourage open communication from all those who work for us, and we want everyone to feel secure about raising concerns.

1.1.1 All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection. It does not matter if an individual who raises a concern is mistaken. Staff do not have to prove the allegation, but they must reasonably believe that the disclosure is made in the public interest and that the information tends to show malpractice.

1.2 This policy applies to all our employees, officers, consultants, contractors and to other workers including agency workers, casual workers, volunteers, interns and home workers.

1.3 This policy does not form part of any contract of employment and we may amend it at any time.

2 When to use this policy

2.1 There is a difference between whistleblowing and raising a grievance:

2.1.1 whistleblowing is where an individual has a concern about a danger or illegality that has a **public interest aspect** to it, e.g. because it threatens students, third parties or the public generally; but

2.1.2 a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

2.2 This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use our Grievance Procedure in the first instance.

3 Malpractice covered by this policy

3.1 Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the activities the college undertakes.

The kinds of malpractice covered by this policy include:

3.1.1 criminal offences, including those in relation to bribery and corruption and tax evasion facilitation;

3.1.2 miscarriages of justice;

3.1.3 danger to the health and safety of any individual;

3.1.4 damage to the environment;

3.1.5 breach of any legal or professional obligation, including those in relation to bribery and corruption and tax evasion facilitation; sexual harassment; or

3.1.6 deliberately concealing any of the above.

4 Our commitment

4.1.1 We are committed to the principles set out in this policy. We will take all reasonable steps to ensure that anyone who raises a concern under this policy does not suffer any form of retribution or detrimental treatment. We will treat the concern seriously and act in accordance with this policy.

4.1.2 If you ask for a matter to be treated in confidence, we will maintain confidentiality so far as reasonably possible. Information may need to be shared where necessary to investigate the concern, comply with legal obligations or ensure a fair process. Where possible, we will discuss this with you before disclosing your identity.

4.1.3 We will ensure that up-to-date and appropriate training is in place for those named in this policy and for senior postholders at the College. Training will cover how to recognise a whistleblowing concern, the correct routes for raising and escalating concerns, confidentiality, protection from detriment, record keeping, and the importance of handling concerns fairly and consistently. Training will be refreshed every two years, or sooner where there are significant legislative, regulatory or procedural changes.

5 Procedure for raising a concern

5.1.1 If you are concerned about any form of malpractice covered by this policy, you should normally raise the concern with the Vice Principal – HR and Communications or the Clerk to the Corporation, who is independent of the College's management structure and reports directly to the Board of Governors. If the concern relates to a member of the Senior Leadership Team, including the Principal, it should be raised with the Clerk to the Corporation. If the concern relates to governance, it should be raised with the Vice Principal – HR and Communications in the first instance.

5.1.2 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide, as a minimum, details of the nature of the concern, why you believe it to be true, and the background and history of the concern, giving relevant dates where possible.

5.1.3 You may wish to discuss your concern with a colleague or trade union representative before raising it formally under this policy. Once a concern has been raised formally, whether alone or with a colleague, everyone involved must respect the confidentiality of the process.

6 Responding to concerns raised

6.1 Individuals raising a concern under this policy are not required to demonstrate that the wrongdoing has occurred. What matters is that they reasonably believe the information disclosed shows wrongdoing that is in the public interest. Concerns will be assessed based on the information available at the time they are raised, not with the benefit of hindsight.

6.1.1 We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. We will arrange a meeting as soon as possible to discuss the concern raised. You may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.

6.2 After the meeting, we will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage, which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. We will endeavour to complete investigations within a reasonable time.

6.3 We will keep you informed of the progress of the investigation and, when it is completed, give you an indication of timings for any actions or next steps that we will take. However, we cannot inform you of any matters that would infringe any duty of confidentiality owed to others.

6.4 In handling concerns raised under this policy, we will take reasonable steps to safeguard the individual from any detriment associated with raising the concern. This includes considering appropriate interim measures where necessary while enquiries or investigations are undertaken.

7 Confidentiality

7.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow

the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

7.1.1 We hope that all staff will feel able to voice their concerns openly under this policy. Although a concern may be raised anonymously, we encourage you to give your name when reporting your concern whenever possible. If you do not do so, it will be more difficult for us to protect your position, provide feedback on the outcome of investigations or investigate the concern effectively.

8 Data protection and record keeping

8.1 Information relating to concerns raised under this policy will be handled sensitively and in accordance with data protection legislation. This will include the processing of personal data and, where relevant, special category or criminal offence data for the purpose of assessing, investigating and responding to concerns raised.

Records of concerns and investigations will be kept only for as long as necessary and in line with our data retention arrangements. Access to such records will be restricted to those who need to be involved in handling the matter.

9 Raising your concern externally (exceptional cases)

9.1 The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. We would expect that in almost all cases raising concerns internally would be the most appropriate course of action.

9.2 If, for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator, professional body or MP. A list of the relevant prescribed people and bodies for this purpose, and the areas for which they are responsible, is available from Protect, formerly known as Public Concern at Work (see Clause 10, Further information and contacts, below), and on the GOV.UK website at:

https://www.gov.uk/government/publications/blowing-the-whistle-list-of- prescribed-people-and-bodies--2

9.3 We strongly encourage any individual to seek appropriate advice before reporting a concern to anyone external. Protect, formerly known as Public Concern at Work, is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. It is a source of further information and advice and operates a confidential helpline.

Nothing in this policy is intended to prevent an individual from making a

disclosure to a prescribed person or body where they reasonably believe this is appropriate and lawful. The organisation recognises that there may be circumstances where internal reporting is not reasonably possible or appropriate.

10 Protection and support for those raising concerns

10.1 We are committed to good practice and high standards and to being supportive to staff who raise concerns under this policy, even if they turn out to be mistaken.

10.1.1 Any individual who raises a concern must not suffer any detriment as a result of doing so. If you believe that you have suffered such treatment, you should immediately inform the Vice Principal – HR and Communications or the Clerk to the Corporation, who is independent of the College's management structure and reports directly to the Board of Governors. If the matter is not dealt with to your satisfaction, you should raise it formally using our Grievance Procedure.

10.2 No member of staff must threaten or retaliate against an individual who has raised a concern, and we will not tolerate any such harassment or victimisation.

10.3 Any person involved in such conduct may be subject to disciplinary action and in some cases will be liable to a claim for compensation brought against them personally.

10.3.1 A person who raises a concern in good faith will not face disciplinary action simply because the concern is not substantiated. However, anyone who knowingly raises a false or malicious concern, or raises a concern for personal gain, may be subject to disciplinary action.