

Confidential Reporting Policy (“Whistleblowing”)

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Aim:

This Policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

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1. Introduction

- 1.1 Members of staff are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the College expects members of staff, and others that the College deals with, who have serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This Confidential Reporting Policy makes it clear that you can voice your concerns without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable members of staff to raise serious concerns within the College rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 This Policy applies to all members of staff and those contractors working for the College on College premises, for example, agency staff or builders and volunteers. It also covers suppliers and those providing services under a contract with the College from their own premises.

2. Aims and Scope of this policy

- 2.1 This Policy aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 There are procedures in place to enable you to lodge a grievance relating to your own employment. This Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
 - conduct which is an offence or a breach of law
 - disclosures related to miscarriages of justice
 - health and safety risks, including risks to the public as well as other members of staff
 - damage to the environment
 - the unauthorised use of public funds
 - possible fraud and corruption
 - abuse of students, or
 - other unethical conduct

- 2.3 Any serious concerns that you have about any aspect of the work of the College or the conduct of one or more members of staff of the College or a governor of the Corporation or others acting for or on behalf of the College can be reported under this Policy. This may be about something that:
- makes you feel uncomfortable in terms of known standards, your own experience or the standards you believe the College should subscribe to; or
 - is against the College's Instrument and Articles of Government or its policies and procedures; or
 - falls below established standards of practice; or
 - amounts to improper conduct.
- 2.4 Please be aware that any confidentiality clause included in any settlement or compromise agreement to resolve or avoid a workplace legal dispute with the College does not prevent you from raising a concern under this Policy.

3. Safeguards

3.1 Harassment or Victimisation

The College is committed to good practice and high standards and wants to be supportive of all members of staff.

The College recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be fulfilling your duty to your employer and to the College as a whole.

The College will not tolerate any harassment or victimisation (including informal pressures) of any member of staff raising a concern under this Policy in good faith and will take appropriate action to protect you when you raise a concern in good faith.

Under the Public Interest Disclosure Act 1998 if a "whistle-blower" is victimised, unfairly treated, or dismissed as a result of their actions they are entitled to bring a claim in the employment tribunal. Dismissal in these circumstances may be deemed automatically unfair. Further guidance on these protections is available on the GOV.UK website.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect you.

3.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.

In exercising this discretion, the factors to be taken into account would include but are not limited to the following:

- the seriousness of the concern raised
- the credibility of the concern raised; and
- the likelihood of verifying the concern raised from attributable sources.

3.4 Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. Untrue allegations undermine the reasons for having this Policy.

4. How to raise a concern

4.1 As a first step, you should normally raise your concerns with your immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your line manager is not appropriate for any reason you should raise your concerns with a member of the College Management Team

4.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are advised to include the following information:

- the background and history of the concern (giving relevant dates).
- the reason why you are particularly concerned about the situation.

4.3 The earlier you raise your concern the easier it is to take action.

4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

- The Principal on extension 223
- The Director of Finance & Resources on extension 229
- The Education and Skills Funding Agency (ESFA) – contact details are on the GOV.UK website

4.6 You may wish to consider discussing your concern with a work colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

4.7 You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concern you have raised.

5. How the College will respond

- 5.1 The College will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 5.2 Where appropriate, the concern raised may
- be investigated by a member of the College Management Team, or through the College disciplinary process; or
 - be referred to the police; or
 - be referred to the external auditor; or
 - form the subject of an independent inquiry.
- 5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the College will have in mind is the public interest.
- 5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgency is required, this will be taken into account before any investigation is conducted.
- 5.5 The member of the College Management Team you initially approached (see 4.1 above) will endeavour to write to you within **ten** working days of a concern being raised:
- acknowledging that your concern has been received;
 - indicating how the College proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - informing you whether any initial enquiries have been made;
 - supplying you with information on staff support mechanisms, and
 - informing you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between you and the member of the College Management Team investigating your concern will depend on the nature of the concern raised, the potential difficulties involved and the clarity of the information provided. If necessary, the member of the College Management Team will seek further information from you.
- 5.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a friend.
- 5.8 The College will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the College will arrange for you to receive support and advice about the procedure.
- 5.9 The College accepts that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints such as confidentiality in the case of disciplinary action taken against another member of staff, the College will inform you of the outcome of any investigation.

6. The responsible person

- 6.1 The Principal has overall responsibility for the maintenance and operation of this Policy. They will maintain a record of concerns raised and their outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Corporation.

7. How the matter can be taken further

- 7.1 This policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair or the Vice Chair of the Corporation.
- 7.2 If you are not satisfied with the action taken by the College or feel it right to take the concern outside the College, you may contact:
- A prescribed person or organisation; or
 - Your legal advisor; or
 - Your MP

There is a list of whistleblowing prescribed persons and organisations available on the GOV.UK website.

- 7.3 If you take your concern outside the College other than to anyone listed in paragraph 7.2 above such as to the media, you should ensure that you do not disclose information which is confidential in respect of the College or any member of staff. You should also be aware that if you take your concern outside the College other than to anyone listed in paragraph 7.2 you are at risk of losing the protections afforded to you under the provisions of the Public Disclosure Act 1998.

Further guidance on these protections is available on the GOV.UK website.