

WHISTLEBLOWING (PUBLIC INTEREST DISCLOSURE) POLICY



Tameside
College



Clarendon
Sixth Form College

1. POLICY STATEMENT

Whistleblowing encourages and enables employees to raise serious concerns **within** the College rather than overlooking a problem or 'blowing the whistle' outside.

Employees are often the first to realise that there is something seriously wrong, however, they may not express their concerns as they feel that speaking up would be disloyal to their colleagues or to management.

The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the College's work to come forward and voice those concerns.

The aims of this policy are to:

- encourage you to feel confident in raising concerns and to question and act upon concerns about practice, in the knowledge that your concerns will be taken seriously and investigated as appropriate, and that your confidentiality will be respected.
- provide guidance as to how you should raise concerns.
- reassure you that you will be protected from possible reprisals or victimisation if you raise a genuine concern even if it turns out to be mistaken.

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.

This policy encourages you, however, to put your name to your concern whenever possible. Please note that:

- Staff must believe the disclosure of information is in the public interest.
- Staff must believe it to be substantially true.
- Staff must **not** act maliciously or make false allegations.
- Staff must **not** seek any personal gain.

2. POLICY CONTEXT

This Policy applies to all staff and Governors

3. LOCATION AND ACCESS TO THE POLICY

The Whistleblowing (Public Interest Disclosure) Policy and supporting policies and other documents are available via CollegeiP and the college website.

4. POLICY STATUS

Responsibility:	Principal and Clerk to the Corporation
Approved by:	Audit Committee
Review Date:	5 March 2024
Next Review Date	March 2026

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1. Introduction

The College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees, Governors and workers (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, in an ethical manner and in line with College Values and Objectives.

1.1 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.

1.2 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.

1.3 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.

1.4 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.

1.5 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to Vice Principal Quality and People. 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, including apprentices; and Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and Agency workers engaged by the College. It also applies to all Governors of the College.

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 the Head of HR 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

4.1 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 this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed.

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- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
 - That a miscarriage of justice has occurred, is occurring, or is likely to occur.
 - That the health or safety of any individual has been, is being, or is likely to be, endangered.
 - That the environment, has been, is being, or is likely to be, damaged.
 - That information tending to show any of the above, is being, or is likely to be, deliberately concealed.
 - That an instance of malpractice has occurred, is occurring, or is likely to occur.

Examples of malpractice are (but not limited to):

- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong, e.g. falsification of student grades or actions which call into question the integrity of educational standards.
- Failure to comply with a statutory obligation, e.g. Safeguarding/Prevent.
- Gaining, or seeking to gain, a pecuniary advantage from an association or relationship with, or membership of, an organisation, company or other body which ought properly to have been disclosed to the College.
- Fraud or financial irregularities (including improper or unauthorised use of public funds).
- Bribery, corruption (including abuse of authority) or other forms of dishonesty, e.g. showing undue favour over a contractual matter or to a job applicant
- A breach of code of conduct.

4.2 Complaints about breaches of employees' own contract of employment should be raised as a grievance and not as part of this policy and procedure.

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 the Vice Principal, Finance and Infrastructure or any member of Senior Management Team so that any appropriate action can be taken.

5.2 If the disclosure relates to the Principal/Chief Executive and/or a member of the Senior Management Team, a worker can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk to the Corporation, a worker can raise the issue with the Chair of Governors.

5.3 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 clarify any aspect of the disclosure as part of any investigation or notify the individual making the disclosure of the outcome or action taken by the College, to the extent that it is able to do so. 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.

5.4 If a worker wishes to make a disclosure verbally they can do so, to the people listed above.

5.5 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 Vice Principal, Finance and Infrastructure.

6. Procedure for Dealing with Disclosures

6.1 It is important that all disclosures are handled in confidence and not discussed outside those directly involved as far as possible.

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6.2 Concerns or allegations raised which fall within the scope of specific established procedures may be referred for consideration under those procedures. Concerns should not be brought under this procedure where the College already has guidelines/procedures in place to deal with the issue.

6.3 Receipt of disclosure will be acknowledged by the person having received it within 5 working days and an indication given of how the College proposes to deal with the issue within 10 working days of the initial disclosure.

6.4 Some concerns may be capable of resolution by agreed action without the need for investigation.

6.5 However, usually the matters raised will be investigated by management, by Internal Audit Service or through disciplinary procedures. Alternatively, they may be subject to independent enquiry.

6.6 A senior manager or the College's Internal Audit Service may be requested to undertake an investigation to establish the facts.

The investigation may take the following:

Step 1: A meeting arranged to take place within a reasonable period of time in order to carry out an initial investigation by considering any relevant documentation or supporting evidence in order to decide on the next steps. The person carrying out the investigation should be accompanied by a note-taker at this meeting.

Any such meeting can be held off-site at a mutually convenient location and time.

The investigator should prepare for the meeting in advance and, in consideration of any relevant documentation received, should explore the need of any clarification of the disclosure, request any additional supporting evidence and identify other potential witnesses.

STEP 2: After the meeting, the investigator will review the evidence relating to the investigation in order to establish whether or not the disclosure is supported. Further meetings might be arranged if the investigator deems these necessary.

STEP 3: The investigator will report back to the appropriate senior manager with the findings without any unnecessary delay. If the disclosure is supported, the senior manager will either sanction action externally, e.g.

- Police;
- Funding Agencies/Bodies
- OFSTED
- National Audit Office
- External Audit organisation
- Health & Safety Executive
- Environmental Agency
- Serious Fraud Office
- Inland Revenue
- Local Authority
- Information Commissioner's Office;

Or

- Take action internally, e.g. (disciplinary proceedings, internal audit, review of internal policies and procedures).

6.7 Where a fraud has been discovered, the Chair of the Corporation, the Chair of the Audit Committee and the College's Internal Auditors should be informed immediately.

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Subject to the nature of the fraud, the Chief Executive of Education and Skills Funding Agency should also be informed in accordance with the requirements of the Post-16 Audit Code of Practice.

6.8 Due note must be taken of College Disciplinary Procedures particularly where the matter might involve the suspension of a member of staff. The relevant sections of the Disciplinary Procedure would be used to determine whether a member of staff suspected of fraud or corruption would be suspended on full pay. The suspended person would be required to hand over items such as key, documents and College property. The suspended individual will be denied access to College premises.

6.9 With regard to allegations where the Police are involved, the College will be guided by the Police as to when the person can be informed.

6.10 The College will take appropriate steps to minimise any difficulties that a member of staff may experience as a result of using this procedure.

6.11 The College will aim to keep the person making the disclosure informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality and other legal issues may prevent the College from giving the person making the disclosure specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

The person who is the subject of the disclosure will be informed of the allegations as early as possible in the process.

Although it is difficult to be prescriptive about time scales it is in the best interests of all parties for any investigations to be undertaken as speedily as possible.

6.12 A discloser who is not happy with the way in which their concern has been handled may raise the matter with the Principal. The Principal will make a final decision on action to be taken and will notify the discloser of the outcome. The appeal will be final.

If the Principal has been personally involved in the case, then the appeal will be made to the Clerk to the Corporation.

7 Safeguards for workers making a disclosure

7.1 A worker making a disclosure 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 named in the concern, 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 may be taken by the College against the colleague in question.

8. Disclosure to external bodies

8.1 This policy and procedure has been adopted 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 an annual report of any concerns raised under this Policy will be made to the Audit Committee 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 and Chief Executive.

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 Head of HR. Such a request would be made in confidence.

10.3 Workers can also contact the charity Protect (formerly known as Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

Protect
The Green House
244-254 Cambridge Heath Road London E2 9DA

Protect Advice Line: 020 3117 2520
Protect Advice Line: <https://protect-advice.org.uk/contact-protect-advice-line/>

The advice line is staffed Mondays, Tuesdays and Thursdays 9.30am to 1.00pm, 2.00pm to 5.30pm
Wednesdays and Fridays 9.30am to 1.00pm

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Equality Analysis

Screening for effects on equality	
Name of policy, procedure, strategy or decision:	Whistleblowing
Project lead completing screening:	Nils Elgar
Position:	Clerk to the Corporation
Directorate:	n/a
What is the aim, objective or purpose of the policy, procedure, strategy or decision?	
<ul style="list-style-type: none"> In the interests of openness and accountability to protect workers who wish to raise genuine concerns 	
Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? <i>(The relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.)</i>	
<ul style="list-style-type: none"> Everyone 	
Does it relate to an area with known inequalities? <i>(e.g. access for disabled people, racist/homophobic bullying).</i>	
<ul style="list-style-type: none"> No 	
Have you already consulted with people about this work? If yes briefly describe what you did and with whom. Is there any external or additional research that you can use to support the development of this policy?	
<ul style="list-style-type: none"> AoC model consultation took place nationally (for original version dated 2014). There has been no updated guidance since then. Legal advice 	
Does it relate to a college objective associated to equality?	
<ul style="list-style-type: none"> No 	
What data are available to facilitate the screening of the policy?	
<ul style="list-style-type: none"> Annual Report to the Audit Committee Audit controls 	

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Is there any evidence of higher or lower participation, uptake, exclusion or impact by the following characteristics				
	Higher	Lower	No difference	Evidence
Age				So few raised its impossible to analyse
Disability				
Gender reassignment				
Pregnancy and maternity				
Race				
Religion or belief				
Sex				
Sexual orientation				
If you have identified adverse impact on any group, could this:				
Be seen as discriminatory (either directly or indirectly)?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have a negative effect of equality of opportunity between different groups of people?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Prevent or discourage participation by any individual or group due to their protected characteristic	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the answer to any of the above questions is yes a full Equality Analysis must be completed				
Full equality analysis to be completed?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Equality analysis to be completed by				
Priority	High	Medium	Low	
Please list the outcome following this screening for effects on equality (<i>i.e. no changes, some changes, further work needed around particular groups or cease development of the policy</i>).				
<ul style="list-style-type: none"> • Can be made available in any format • Available on-line 				
Please sign and date this form, keep one copy and send one a copy to the Vice Principal Quality & Services to Learners				
Signed:			Date:	

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Review/Change History:

Version	Description/Detail of Update & Name of Person who has carried out Update	Approval	Date of Issue
V2	Nils Elgar – update to titles, minor tidying up on language, update on contact details for Protect (charity providing advice on whistleblowing issues)	Audit Committee	5 March 2024