



**WHISTLEBLOWING  
POLICY & PROCEDURE  
2021/22**

**VERSION:**

FINAL

**AUTHOR:**

Clerk to the Corporation

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12 April 2021

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13 July 2021

**IMPACT ASSESSMENT COMPLETED**

YES

**DATE NEXT REVIEW DUE:**

April 2022

## Equality Impact Assessment Form

The completion of the Equality Impact Assessment (EIA) will help us to ensure that our policies, procedures and practices do not discriminate or disadvantage people and also improve or promote equality.

### In relation to: age; disability; ethnicity or gender

1. Please explain if you identified any inequalities or possible discrimination in the policy, procedure or practice?

None identified.

Alongside other policies and procedures such as: Dealing with Bullying & Harassment, Grievance, Discipline, Slavery and Human Trafficking Statement etc, the Whistleblowing Policy and Procedure supports all staff in undertaking their duties and their ability to raise concerns without fear of victimisation.

2. If identified, how have you changed the policy, procedure or practice to remove or mitigate the inequality or discrimination?

Not applicable

3. Any follow up actions required?

None identified

# WHISTLEBLOWING POLICY AND PROCEDURE

## 1. Purpose

- 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 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.
- 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 disclosure to Student Services.

## 2. Scope

- 2.1 This Policy applies to all employees of Shipley College, students, governors, contractors, suppliers and members of the general public.

## 3. Responsibility

- 3.1 SMT and College Managers are responsible for ensuring the implementation of this Policy.

## 4. Protected disclosures

- 4.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 4.2 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 5 below) and the disclosure must also be made in an appropriate way (See Section 6). 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.

## **5. Specific Subject Matter**

5.1 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 to disclose:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- 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 working environment has been, is being, or is likely to be damaged.
- That there are concerns suggesting that there are risks related to modern slavery or human trafficking in the College's business or supply chains.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

## **6. Procedure for making a disclosure**

6.1 As a first step, workers should raise concerns with their immediate manager or the Principal by completing the form attached at Appendix A.

This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the worker believes that Senior Management or the Principal are involved, they should approach the Chair of the Corporation. If the complaint is in relation to the College's governing body, then one of the individuals identified on the list of prescribed people and bodies (link below) should be contacted in the first instance. The earlier a concern is expressed, the easier it is to take action.

6.2 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.

6.3 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](#).

6.4 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

6.5 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.

6.6 As the statutory protections for whistleblowers only apply in certain prescribed circumstances, workers are strongly encouraged to seek advice before making an external disclosure. If an external disclosure is made to an external body or agency, there may be a requirement for the worker to demonstrate why they thought the internal College procedure was not appropriate. As an employee of the College, disclosing concerns externally, even in good faith, without first

attempting to report internally, may result in disciplinary investigation, which may result in formal disciplinary proceedings.

- 6.7 If, as a consequence of a worker's disclosure, information is published, which turns out not to be true and which has the potential to damage another person's interests or reputation, there is a risk that they could be sued for defamation. Where it is clearly in the public interest for information to be brought out into the open immediately (even though it is untested and may ultimately turn out to be untrue or incorrect) a legal defence called "qualified privilege" is available. Concerns reported in good faith under this Policy within the College will normally be covered by this defence. Deliberate false statements will not.

## **7. Procedure for investigation of a disclosure**

- 7.1 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable timescale.
- 7.2 The College will then investigate the disclosure. If the College considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the College's 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.
- 7.3 When a worker makes a disclosure which has sufficient substance or merit warranting further action, the College will take action it deems 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.
- 7.4 If appropriate, any internal investigation would be conducted by a senior manager of the College without any direct association with the alleged offence the disclosure relates to, or by an external investigator appointed by the College, as appropriate. The Investigation Report will be sent to the Clerk to the Corporation unless the Clerk is the subject of the Investigation. In such a case, the report will be sent to the Chair of the Corporation.
- 7.5 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the Corporation as appropriate in the circumstances. The recipient will take all steps to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 7.6 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 the Corporation, as appropriate, within 10 working days.

The Principal or Chair of the Corporation, as appropriate, will make a final decision on action to be taken and notify the worker making the disclosure.

## **8. Safeguards for workers making a disclosure**

- 8.1 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 implicated in the suspected wrongdoing, without their prior approval.
- 8.2 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.
- 8.3 No formal disciplinary investigation/proceedings 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 investigation/proceedings 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. Concerns reported to the media or on social media could result in the loss of your whistleblowing law rights.
- 8.4 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, pressured or victimised by a colleague for making a disclosure, disciplinary investigation will be instigated by the College against the colleague in question, which may result in formal disciplinary proceedings.

## **9. Monitoring and reporting**

- 9.1 The College will keep a record of all disclosures made under this Policy and Procedure. The Policy will be monitored by the Clerk to the Corporation with an annual report to the Audit Committee and the outcome of the report included in the annual report on fraud to the Corporation.
- 9.2 All significant cases of fraud or suspected fraud or irregularity will be reported to the appropriate funding body. Significant fraud is usually where one or more of the following factors are involved:
- there is likely to be great public interest because of the nature of the fraud or the people involved
  - the sums of money are in excess of £10,000
  - the particulars of the fraud are novel or complex
- 9.3 Any risks to the solvency or financial viability of the College will be reported appropriate funding body.

## **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 to a member of the SMT.
- 10.2 A worker making a disclosure may contact HR for counselling or other support from the College's occupational health service. Any such request would be remain confidential.
- 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:

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

- Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)
- Telephone: 020 3117 2520 (\* option 1)
- Website: <https://protect-advice.org.uk/>

### **Links to other Policies or Procedures**

This Policy links to the:

- Dealing with Bullying & Harassment Policy and Procedure,
- Equality Policy,
- Grievance Procedure,
- Disciplinary Procedure,
- Data Protection Policy
- Payment Card Information Security Policy
- Health and Safety Policies/Procedures
- The Compliments and Complaints Procedure
- Slavery and Human Trafficking Statement

### **Making a public interest disclosure (whistleblowing)**

This form is intended for use by any individual working for the College (including contractors, agency workers and volunteers) who wish to raise an issue about alleged wrongdoing.

This form should be used to report wrongdoing within the College (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached). If you are unsure about whether your concerns are best dealt with under the College's Whistleblowing Policy or Grievance Policy, please read the above Policies for guidance. If, having read the Whistleblowing Policy, you remain unsure about which Procedure to use, please consult the HR Manager for further advice.

Once you have submitted this form, the College's Whistleblowing Policy will be invoked. This may result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated below.

In certain circumstances, you can request that your concerns be kept confidential. Where possible, the College will respect a request for confidentiality, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to the Principal in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

### **Formal public interest disclosure (whistleblowing)**

<b>Employee's name:</b>	
<b>Employee's job title:</b>	
<b>Employee's department:</b>	
<b>Date:</b>	
<b>Does your public interest disclosure relate to your line manager?</b>	Yes/No

## Whistleblowing Submission Form - Appendix A

<b>Summary of disclosure:</b>	
<i>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.</i>	
<b>Individuals involved:</b>	
<i>Please provide the names and contact details of any people involved in your concerns, including witnesses.</i>	
<b>Outcome requested:</b>	
<i>Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.</i>	
<b>Declaration:</b>	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation initiating a disciplinary investigation which may result in formal disciplinary proceedings.	
<b>Form completed by:</b>	
<b>Signature:</b>	
<b>For completion by the College:</b>	
Date form received by the College:	
Name of recipient and job role:	
Signature:	