

WHISTLEBLOWING POLICY AND PROCEDURE



WHISTLEBLOWING POLICY AND PROCEDURE

Author's Name and Job Title:	Luke Abrahams, Head of HR		
Department:	HR		
Policy Version Number:	2.0		
Ratified by:	<input checked="" type="checkbox"/>	Governor Committee (please specify): Resources Premises HR Committee and Audit Committee	
	<input checked="" type="checkbox"/>	Principalship	
Date Approved:	Dec-2023		
Policy valid for:	<input type="checkbox"/> 1 year	<input type="checkbox"/> 2 years	<input checked="" type="checkbox"/> 3 year
Next review date:	Dec-2026		
Policy type:	<input type="checkbox"/>	A new policy	
	<input checked="" type="checkbox"/>	Based on a previous version of the same policy	
Specific groups to whom this policy directly applies:	<input checked="" type="checkbox"/>	Staff	
	<input type="checkbox"/>	Students	
	<input checked="" type="checkbox"/>	Governors	
	<input checked="" type="checkbox"/>	Senior Post Holders	
	<input checked="" type="checkbox"/>	Workers (including Casuals, Agency, Contractors etc.)	
	<input type="checkbox"/>	Other (Please specify): Click or tap here to enter text.	
People/Groups consulted:	Staff Partnership Form; Governors' Audit Committee; Governors' Resources Premises HR Committee; All staff		
Policies and procedures of the college are non-contractual and does not form part of Terms and Conditions of Employment.			
Note: This document is electronically controlled. This policy can only be considered valid when viewed via SharePoint. If this is a printed hard copy or saved to another location, you must check that the version number on your copy matches the one on the webpage.			

VERSION CONTROL

Version	Date revised	Author/reviewer	Section / page no. changed	Summary of change(s)
2.0	Dec-23	LAb	All	Format of policy updated and heading numbered
			1	Updated section – introduction focuses on the College commitment to raising concerns and developing a learning culture

WHISTLEBLOWING POLICY AND PROCEDURE

			3	New section – clarity around using this policy provided
			4	New section – common used terms and their definitions added
			5	New section – responsibilities and duties of staff and key stakeholders added
			6	Update – more clarity provided around the process.
			8	New section – clarity provided around raising concerns externally
			9	New section – links to other internal and external documents provided
			A1	New section – contact details and information for external organisations who can provide advice and guidance on whistleblowing

WHISTLEBLOWING POLICY AND PROCEDURE

Contents

1. Introduction	4
2. Purpose and scope	4
3. Using this policy	4
4. Definitions	5
5. Duties and Responsibilities	5
6. Whistleblowing procedure.....	6
7. Confidentiality and anonymity.....	10
8. Reporting a concern externally.....	10
9. Equality Impact Statement	10
10. Further information	11
11. Policy review	11
Appendix 1 – Independent Advice.....	12

1. Introduction

We are committed to the development of a positive learning culture and to learn from our mistakes. All colleagues are supported and empowered to raise issues and concerns early and will always be involved in helping to resolve them. Our staff are our best early warning system and are integral in ensuring that problems are identified and addressed early, before they have a chance to escalate into something potentially serious.

2. Purpose and scope

The purpose of this policy is to clearly establish the college's expectations that concerns will be raised as soon as possible, dealt with consistently and resolved appropriately as quickly as possible. Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services and the working environment for our staff.

This policy applies to all individuals who are working for or with the college including staff, governors, volunteers, peripatetic and casual workers.

3. Using this policy

If you are working for or with the college, you have an obligation to raise any concerns, whether it is about safety, poor practice, wrongdoing or another risk and is in the public interest to do.

This policy is a means to deal with serious or sensitive concerns about risk, malpractice or wrongdoing that affects others. It could be something which adversely affects students, the public, other staff or the college itself and may include things like:

- Fraud or financial irregularity or unauthorised use of public or other funds;
- Corruption, bribery, blackmail or a criminal offense being committed;
- A bullying culture (across a team or organisation rather than individual instances);
- Wrongdoing has been covered up;
- Failure to comply with legal or regulatory duty or obligation or failing to obey the law.

It may not always be clear that a particular action falls within one of the categories above and judgement must be exercised. However, we would prefer you to report concerns rather than remain silent.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action. Provided you are acting with good intentions, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

Whistleblowing is not a form of grievance procedure and should not therefore be used to raise any concerns relating to employment nor to question business decisions taken by

WHISTLEBLOWING POLICY AND PROCEDURE

the College. This policy is not for issues where the concerns are about a breakdown in relationships, poor behaviour, harassment or bullying or for concerns about employment contracts (e.g. annual leave, changes to working pattern etc.). We have a range of policies which deal with these types of situations which should be used when appropriate.

Immediate concerns about possible abuse of students must be dealt with under the Safeguarding and Child Protection Policy. We are also committed to supporting the Prevent agenda and any reported concern regarding the threat of radicalisation and/or terrorism will be reported to the Designated Safeguarding Lead and investigated in accordance with relevant legislation, statutory requirements and College policies.

4. Definitions

For the purpose of applying the provisions contained in this policy, the following definitions will apply:

Term / acronym	Definition
Speaking up / raising concerns / Whistleblowing	A worker raising concerns about something at work which they believe to be “in the public interest”
A ‘Protected Disclosure’	A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom.
In the Public Interest	Something which is of serious concern and/or benefit to the public.
The public	The ‘public’ does not necessarily mean the entire population. It might relate to a relatively localised public (e.g. a small community group) or to the wider public.
Concern	This can be anything that is thought to be a risk to staff, students or the organisation. It can relate to risk, malpractice, wrongdoing or omission, basically anything that is thought may harm the college or students.

5. Duties and Responsibilities

All individuals who work for or on behalf of the college have a responsibility to raise any genuine concern they have about a risk, malpractice or wrongdoing at work (such as a risk to student safety, fraud or safeguarding), which may affect students, the public, other staff or the organisation itself and at the earliest reasonable opportunity. Individuals must treat those who raise concerns fairly and with dignity and ensure they receive no negative treatment or victimisation as a result of speaking out. Remember, you may have a

professional duty to report a concern. If in doubt, please raise it. Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

Managers and leaders across the college are responsible for supporting a culture of openness and transparency and support their teams and others to raise concerns if they arise. Managers are also responsible for responding to concerns raised confidentially sensitively, promptly and in-line with this policy ensuring no person who raises concerns in the public interest receives negative treatment

The Principalship and College Leadership Team will actively promote a culture of openness and transparency where everyone in the college is supported and encouraged to speak out where they have concerns. They will make themselves available to anyone who wishes to raise a concern and actively seek feedback from staff to ensure individuals feel they have the opportunity to raise concerns. The Principal is also responsible for ensuring that any concerns raised are investigated and responded to appropriately.

Our Governing Body is responsible for holding the Principal to account for taking appropriate action to create a culture of openness and transparency. They will assess the effectiveness of college processes on raising concerns and the handling of individual cases ensuring that the response is appropriate or intervening when they are failing and making recommendations for improvements. Governors will also ensure that immediate action is taken when concerns are raised that quality and/or safety is being compromised.

6. Whistleblowing procedure

6.1 Whistleblowing Legislation

The formal act of Whistleblowing is given protection in UK law under the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013. These Acts give protection against detrimental treatment or dismissal for those raising concerns about:

- Criminal offences;
- Breaches of legal obligations;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- The concealment of any of the above.

Protection applies where a person raises their concerns because they believe them to be in the public interest. The concerns do not need to be proven. The protection it provides is for those raising concerns about what can seem like very serious issues. As a result, many individuals are put off raising concerns because they feel their worries may be too small, not covered by the legislation or because they are worried about how they will be treated if they follow a legal process.

Our commitment to creating a safe environment and outstanding experience for our students means that we promise to give the same protection to everyone who raises genuine concerns in good faith regardless of whether these are covered by the Act. We

want everyone to feel comfortable in raising concerns and believe that an early and proactive response to smaller issues means they will not escalate into big problems resulting in harm.

6.2 Identifying a concern

Anyone may see or hear something whilst working with the college which concerns them. All staff share responsibility for being alert to the behaviour of their employer, their colleagues and the workers of other agencies they may come into contact with. Anything, which you notice that appears to be unusual practice or behaviour, causes you to feel uncomfortable or to question whether it is right may have a wider consequence. Usually these concerns are easily resolved. However, if you have a reasonable belief that you have seen or heard about any of the following, either happening now, taken place in the past or likely to happen in the future, you must speak out:

- A person or the organisation has failed, is failing or is likely to fail to comply with legal obligation(s) i.e. breaking the law / criminal offence;
- Poor practice or that is putting students or staff at risk;
- Possible financial malpractice has, is or is likely to take place;
- There is a risk or danger to students, staff or the public;
- There is a serious risk or danger to the environment;
- The health and safety of any individual at work (including mental and/or physical issues) has been, is being or is likely to be endangered.

6.3 Raising concerns

Raising concerns is essentially about raising awareness for the public good; there is no need to wait for proof before raising a concern. It also doesn't matter if you are mistaken, as long as you have a reasonable belief something is wrong. We would encourage you to raise your concern immediately or as soon as possible, as doing so could prevent your concern becoming more serious, dangerous or damaging. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it is none of your business or perhaps is only a suspicion. You may feel that raising the matter would be disloyal to colleagues or to the organisation.

We encourage all staff to raise concerns about all issues, regardless of whether they may appear on the surface to be small or minor matters; the same concern may have been troubling a number of other people. If these individual concerns are taken together, they may indicate a wider issue that can then be addressed appropriately.

Any 'gagging clauses' in settlement agreements do not prevent individuals from making disclosures in the public interest.

When raising a concern we would encourage you to:

- Be as specific as possible;
- If possible, your name and contact details for further contact;
- If appropriate, keep a confidential diary of incidents e.g. dates, times, witnesses, what happened, who was involved etc.;
- Keep copies of any relevant correspondence e.g. reports, letters, memos, notes of meetings, text messages etc.

Depending on the situation, it would also be very useful when raising a concern if you are able to outline what you believe to be a reasonable outcome or how best the matter can be resolved. If you have a personal interest in the concern being raised you should let us know as soon as possible.

When raising a concern in writing, please make it clear whether you wish this to be dealt with informally or formally. We will not automatically assume that a concern you've raised in writing will be formal. We may request you to provide further information if you haven't been clear on whether you wish your concern to be dealt with informally or formally or where we need more detail.

6.3.1 Step 1 – raising concerns with your line manager

If you have a concern, we hope you will feel able to raise it first with your line manager. This may be done verbally or in writing.

6.3.2 Step 2 – raising concerns with a more senior manager

If you feel unable to raise the matter with your line manager, for whatever reason or feel like you have had an insufficient response. You have a number of routes which will depend on your preferences and the nature of your concerns. These options are to speak with, write to or email:

- Your more senior manager;
- The Head of HR;
- The Designated Safeguarding Lead;
- A member of the Principalship;
- The Principal.

If you raise your concerns in person, you may choose to be represented or supported by a Trade Union representative or a colleague acting in a non-legal capacity.

6.3.3 Step 3 – raising concerns with the designated college governor

If route steps 2 and 3 have been followed and you still have concerns, or feel that the matter is so serious that you cannot discuss it with any of the above; you should contact the Chair of Governor, copying in the Clerk, in writing giving as much detail as possible at following address: chairofgovernors@stbrn.ac.uk.

6.4 Assessment meeting

Your concern(s) will be acknowledged within seven calendar days. The person you raise your concerns with may need to ask you some questions in order for them to get a full understanding of the situation. They may also need to get help and advice from other professionals within the college, including, where an investigation is necessary, HR. This advice will be sought sensitively and confidentially and will protect your confidence if you have requested it.

As part of this meeting it may be decided that your concern would be better looked at under another process, for example, our process for dealing with bullying and harassment or grievances. If so, we will discuss that with you.

6.5 Investigation

In some cases an investigation will need to be carried out. This usually be carried out by someone suitably independent (usually from a different part of the college) and properly trained – and we will reach a conclusion within a reasonable timescale. The investigating officer will ensure the investigation is undertaken as quickly as possible without affecting the quality and depth of the investigation.

Depending on the nature of the concern, it may be appropriate for an external investigator to be appointed to lead the investigation. Where an external investigator is deemed appropriate this will be arranged by the Head of HR or Chair of Governors or the Clerk.

The investigation will be proportionate, objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately in line with the appropriate HR policy.

6.6 Outcome

The focus of any investigation or review will be on improving the service we provide for our students. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively.

Lessons will be shared with teams across the college, or more widely, as appropriate. Where an investigation or review identifies potential concerns, relating to a staff member(s), which may fall within another procedure i.e. Dignity and Respect at Work Policy, Supporting Performance Policy, Disciplinary Policy, the findings will be shared with the relevant manager for appropriate action to be taken.

6.7 Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress.

Wherever possible, we will share the outcome of their investigation with you (this may not be the full report if we need to respect the confidentiality of others). This may include meeting with you and giving you the opportunity to discuss the outcome. There may be some instances where we cannot even share the outcome with you.

6.8 Learning from concerns

The focus of any investigation or review will be on improving the service we provide for our students. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the college, or more widely, as appropriate. Where an investigation or

review identifies potential concerns, relating to a staff member(s), which may fall within another procedure i.e. Dignity and Respect at Work Policy, Supporting Performance Policy, Disciplinary Policy, the findings will be shared with the relevant manager for appropriate action to be taken.

7. Confidentiality and anonymity

We will not tolerate the bullying, harassment or victimisation of anyone raising a genuine concern. It is recognised that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. You will need to tell the person you raise your concerns with if you do not want anyone to know that you raised the concern. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you and how we can proceed.

If you do not tell us who you are, it will be more difficult for us to look into the matter, protect your position or provide feedback, however, we will investigate all anonymous reports received and ensure the appropriate action is taken in accordance with this policy.

8. Reporting a concern externally

This policy and procedure provides a framework for you to raise disclosures internally within the College. You also have the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law. Disclosures must be in the belief that the information shows malpractice and made to a prescribed person or body. Should you choose this pathway then you must ensure that you have chosen the correct person or body for your issue such as an appropriate regulator with responsibility for the matter raised. For example:

- Health and Safety Executive;
- Environment Agency.

If you decide to seek advice outside of the College, you must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

9. Equality Impact Statement

We are committed to ensuring that, as far as is reasonably practicable, the way we provide services to our students and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds of any of the protected characteristics defined by the Equality Act, which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We will endeavour to make reasonable adjustments to accommodate any individual with particular equality and diversity requirements in implementing this policy and procedure.

10. Further information

8.1 External information

Relevant legislation and statutory requirements that have been taken into consideration for this policy include:

- Public Interest Disclosure Act 1998;
- Employment Rights Act 1996;
- Bribery Act 2010.

8.2 Internal information

Local policies and procedures that have been taken into consideration for this policy include:

- Safeguarding and Child Protection Policy and Procedure;
- Grievance Resolution Policy and Procedure;
- Dignity and Respect at Work Policy and Procedure;
- Health and Safety Policy;
- Disciplinary Policy and Procedure;
- Code of Conduct.

11. Policy review

This policy will be reviewed every three years from the date of approval.

The policy may be reviewed at an earlier date if necessary, for example, to update it in line with changes in legislation, organisational development or good practice.

Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the Policy Author.

Appendix 1 – Independent Advice

Links and contact details were last checked and updated in December 2023:

Organisation	Contact details
Protect	020 3117 2520
NSPCC Whistleblowing Helpline	0800 028 0285
Ofsted	whistleblowing@ofsted.gov.uk
ESFA	complaints.esfa@education.gov.uk allegations.mailbox@education.gov.uk
Citizens Advice Bureau	03444 111444
Advice, Conciliation and Arbitration Service (ACAS)	0300 123 1100
Information Commissioners Office (ICO)	0303 123 1113