

## Public Interest Disclosure (Whistleblowing) Policy and Procedures

<b>Author:</b>	Head of Governance
<b>Date:</b>	March 2025
<b>Version:</b>	Based on: AOC Whistleblowing Policy & Procedures revised April 2013 and Evershed Sutherlands' Model Policy revised October 2024
<b>Review requirements:</b>	Every three years
<b>Date of next review:</b>	March 2028
<b>Approval body:</b>	Board of Governors 19/3/25
<b>Checked by:</b>	ELT
<b>Publication:</b>	Staff Sharepoint, College Website

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

# **PUBLIC INTEREST DISCLOSURES (WHISTLEBLOWING) POLICY AND PROCEDURES**

## **SECTION 1: INTRODUCTION**

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 information about how to raise 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 genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.

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 whistle-blowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with any legal obligation, including those in relation to bribery and corruption and tax evasion facilitation.

1.5 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.

## **SECTION 2: APPLICABILITY OF THIS POLICY AND PROCEDURE**

2.1 This policy applies to all employees, consultants, sub-contractors, volunteers, interns, casual workers, apprentices and agency workers. It is not directed at learners who can instead raise genuine concerns about suspected wrongdoing by making a complaint in accordance with the Compliments, Concerns and Complaints Policy.

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

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

## Managing allegations and concerns regarding staff in a Safeguarding context

Reference should be made in the first instance to the Safeguarding Policy.

### General Grievances

If you have a complaint about your own personal circumstances, then you should use the Staff Resolution and Grievance Procedure.

2.3 Any worker who is unsure about whether to raise their concern under this policy is encouraged to approach the Group Director: People Services in confidence for advice.

## **SECTION 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 below). 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.

## **SECTION 4: SPECIFIC SUBJECT MATTER**

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 (or they believe a matter is not being addressed by College procedures or processes), they must use this policy and procedure:

- A criminal offence has been committed, is being committed or is likely to be committed.
- An individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring, or is likely to occur.
- The health or safety of any individual has been, is being, or is likely to be, endangered.
- The environment, has been, is being, or is likely to be, damaged.
- Information tending to show any of the above, is being, or is likely to be, deliberately concealed.

## **SECTION 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 their Line Manager so that any appropriate action can be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with the Group Director: People Services or Head of Governance (HoG).

5.3 If the disclosure relates to the Chief Executive Officer (CEO), a worker can raise the issue with the HoG. In the event that the disclosure relates to the HoG, this can be raised with the Chair of Governors.

5.4 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 notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in investigating such a concern. The 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; and
- The credibility of the concern
- How likely it is that the concern can be confirmed from attributable sources.

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 Group Director: People Services or HoG.

## **SECTION 6: PROCEDURE FOR INVESTIGATION OF A DISCLOSURE**

6.1 Allegations should normally be raised in writing. In exceptional circumstances it may be appropriate for a concern to be raised orally with the Group Director: People Services or HoG. The College will acknowledge receipt, in writing, within a reasonable time.

6.2 If the matter to be investigated is thought to potentially involve gross misconduct, the employee who is the subject of the investigation may be immediately suspended while the investigation proceeds. Similarly, if during the investigation the CEO or Group Director: People Services is of the view that a serious breach of discipline may have occurred, the CEO may suspend the employee. Full details of the rules governing suspension pending a disciplinary hearing are included in the Disciplinary Procedure.

6.3 The College will carry out an initial assessment to determine the scope of any investigation and will inform the complainant of the outcome of its assessment.

6.4 The College will determine the appropriate action to take (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. If the allegations concern financial misconduct, the investigating officer may engage the services of an appropriate external organisation to carry out or assist with the investigation.

6.5 If appropriate, any internal investigation would be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or

by an external investigator appointed by the College as appropriate. In some cases, the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.

6.6 Any recommendations for further action made by the College' will be addressed to the CEO or Chair of Governors as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

6.7 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. However, sometimes the need for confidentiality may prevent the College giving the complainant specific details of the investigation or any disciplinary action taken as a result. The complainant should treat any information about the investigation as confidential.

6.8 If the worker is not satisfied that their concern has been appropriately addressed, they can raise it with the CEO within 20 working days. The CEO will make a final decision on action to be taken and notify the worker making the disclosure.

6.9 There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:

- The College is satisfied that a worker does not have reasonable belief that suspected malpractice is occurring; or
- The matter is already the subject of legal proceedings or appropriate action by the external body; or
- The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

## **SECTION 7: SAFEGUARDS FOR WORKERS MAKING A DISCLOSURE**

7.1 A worker making a disclosure under this procedure can expect the 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.

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 will be taken by the College against the colleague in question.

## **SECTION 8: DISCLOSURE TO EXTERNAL BODIES**

8.1 This aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally.

8.2 The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The College strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, [Protect](#) (previously known as Public Concern at Work), operates a confidential helpline.

8.3 Workers may make a disclosure to an appropriate external body prescribed by the law.

A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect and on the GOV.UK website at:

[Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

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.

## **SECTION 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 will report to the Board's Audit & Risk Committee on an annual basis or sooner if appropriate.

## **SECTION 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 CEO or HoG.

Staff must not threaten or retaliate against whistleblowers in any way and staff that are found to be involved in such conduct may be subject to disciplinary action.

10.2 A worker making a disclosure may want to confidentially request counselling or other support from the College's occupational health service (or similar). Any such request for

counselling or support services should be addressed to the Group Director: People Services. Requests will be treated in confidence.

10.3 Workers can also contact the charity [Protect](#) (previously 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

Whistleblowing Advice Line: 020 3117 2520  
or by [webform](#)

#### **Other Policies**

- Compliments, Concerns and Complaints
- Safeguarding Policy
- Staff Resolution & Grievance