

South Staffordshire College



Whistleblowing Policy

Reference: Version	Final
Policy Originator:	Deputy Principal Finance & Resources
Equality Impact Assessed:	August 2021
Approved by:	Board
Date Approved:	September 2021
Review Interval:	Biennial
Last Review Date:	October 2019
Next Review Date:	September 2023
Audience:	All Staff

Whistleblowing Policy

1.0 Policy Statement

- 1.1 The purpose of this policy is to encourage all members of staff and others who may have genuine concerns about serious malpractice at the College to raise such concerns without fear of reprisals or discrimination against them. It sets out the legal protection provided to those who make 'protected disclosures' and the procedure to be followed.
- 1.2 This Policy is for disclosures about matters that are in the public interest. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the College's Grievance Procedure. If an external client or customer is concerned about services associated with the College, the concerns should be raised through the College complaints procedure.
- 1.3 An employee who makes a protected disclosure, that they reasonably believe is in the public interest to do so, has the right not to be dismissed, or subjected to victimisation, because they have made the disclosure.

2.0 Scope

- 2.1 This Policy applies to "Workers" which includes all employees of the College as well as:
 - employees of contractors working for the College, for example, agency staff or builders,
 - employees of suppliers,
 - voluntary workers working with the College,
 - Former employees of the College.
- 2.2 Other policies and procedures linked to this Policy include:
 - Financial Regulations including the Anti-Bribery Policy
 - Safeguarding, Child Protection and Prevent Policy
 - Complaints procedures

3.0 General

- 3.1 This Policy will be implemented in accordance with all existing and emerging legislation and official guidance.
- 3.2 Under the Public Interest Disclosure Act 1998, a protected disclosure is made by a worker who has a reasonable belief that they have relevant information to show wrongdoing. Wrongdoing is defined in the Act as:

- Committing of criminal offences,
- Financial malpractice and/or fraud, or misuse of public funds,
- Failure to comply with legal obligations or statutes,
- Endangering the health and safety of individuals,
- Damaging the environment,
- Miscarriage of justice has or is likely to occur,
- Oppressive, discriminatory, grossly negligent or grossly mismanaged acts or omissions by a public body,
- Concealment or destruction of information about any of the above wrongdoing

3.3 This list is not exhaustive.

3.4 The Enterprise and Regulatory Reform Act 2013 adds further clarifications around what is in the public interest when an employee is making a disclosure:

- Breaches of the individual's employment contract are excluded,
- Breaches of other legal obligations which do not involve issues of a wider public interest.

3.5 Wrongdoing can take place inside or outside the UK.

3.6 The College encourages Workers to raise their concerns under this Policy in the first instance with a College manager in accordance with section 5 of this Policy.

3.7 Any matter raised under this Policy will be investigated by the College thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

3.8 If misconduct is discovered as a result of any investigation under this Policy the College's Disciplinary & Capability Policy/Procedure will be used, in addition to any appropriate external process or measure.

3.9 If a breach of Safeguarding is discovered as a result of any investigation under this Policy, the College's Policy and Procedure on Safeguarding, Child Protection & Prevent will be used.

3.10 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to the Assistant Principal HR.

3.11 All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness as part of any disciplinary process. If

you agree to this, you will be offered the protection offered by this Policy.

4.0 Protected Disclosures

- 4.1** The law allows individuals to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific concern (see section 3.2), and the disclosure must be made in an appropriate way in line with the Procedure (see section 5).
- 4.2** The Policy is designed to offer protection to those individuals of the College who disclose such concerns provided that the disclosure is:
- Made in good faith, and the information they are disclosing is true.
 - Made where the individual has reasonable evidence that the specific concern they are disclosing has happened, is happening or is likely to happen in the near future.
 - Made in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person.
 - Free from evidence of potential malicious or vexatious allegations
- 4.3** The Law protects individuals who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. No action will be taken against anyone for making a disclosure that in the reasonable belief of the employee is in the public interest and made in accordance with the Whistleblowing Procedure.
- 4.4** However, the College may bring disciplinary action in cases where there are grounds to believe that a disclosure made either under this Policy or to an external person was malicious or vexatious.
- 4.5** A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they made a disclosure. No worker will be victimised for raising a matter under this Policy. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- 4.6** Victimisation of a worker for raising a protected disclosure will be a disciplinary offence.

5.0 Procedure for Raising a Disclosure

- 5.1** There are four stages to raising a disclosure.
- 1) Any concerns should be raised with a College Senior Post Holder. The College Senior Post Holders are currently the Principal & CEO, the Deputy CEO and the Deputy Principal Finance & Resources.
 - 2) The Senior Post Holder will arrange an investigation of the matter (either by

investigating the matter themselves or immediately passing the issue to someone in a more suitable position).

- 3) If the employee is concerned that a Senior Post Holder is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Executive Leadership Team or Board, they should inform the Clerk to the Corporation who will arrange for another investigation to be carried out, make any necessary enquiries and make their own report to the Board as in stage 2 above.
- 4) If on conclusion of stages 1, 2 and 3 the employee reasonably believes that the appropriate action has not been taken, they are entitled to contact a relevant external body or person to express the concerns. A “relevant body” is likely to be a regulatory body such as the Education and Skills Funding Agency (ESFA) or Health and Safety Executive (HSE).

5.2 The media is not considered a relevant external body and disclosing information inappropriately to the media could result in disciplinary action being taken against the employee.

5.3 As an underpinning theme, disclosures alleged to relate directly to the Chief Executive Principal must be raised directly with the Clerk to the Corporation who will then deal with the matter through a specially convened panel of the Board of Governors.

6.0 Monitoring and Review

6.1 The College will review this Policy biennially. The internal monitoring of the implementation of this Policy will be the responsibility of the Deputy Principal Finance & Resources.

6.2 The Deputy Principal for Finance & Resources is responsible for ensuring that this Policy and its associated processes and procedures remains appropriate and complies with changes in legislation.