South Staffordshire College

Whistleblowing Policy

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AI Use in Policy Development:	No

1.0 Policy Overview

1.1 The purpose of this Policy is to encourage all members of staff and others who may have genuine concerns about the conduct of others 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 applies to “workers”, which includes all employees of the College as well as College-employed apprentices, contractors and former employees.

1.3 All members of staff have a duty to be aware of the existence of this Policy and how to raise a concern or how to handle a whistleblowing disclosure if they are the recipient of a concern.

1.4 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.

1.5 If the concern relates to a Senior Post Holder or the worker is concerned that a Senior Post Holder is involved in the wrongdoing, they should inform the Head of Governance (HoG). The HoG will refer the disclosure to a relevant College Governor(s).

1.6 Concerns that are raised anonymously will be considered but will only be investigated in exceptional circumstances.

1.7 If you ask for the concern raised to be treated in confidence, every effort will be made not to reveal your identity however a subsequent investigation process may require the College to share concerns which may identify an individual.

1.8 If, having made a protected disclosure in accordance with the above procedure, the worker reasonably believes that appropriate action has not been taken, they are entitled to contact a relevant external body or prescribed person to express the concern.

1.9 A “relevant body” is likely to be a regulatory body such as the Department for Education (DFE) or the Health and Safety Executive (HSE). Disclosures to these bodies are treated as protected disclosures in the same way as they are treated internally. The media is not considered to be a relevant body.

1.10 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.

2.0 Policy Statement

2.1 The purpose of this Policy is to encourage all members of staff and others who may have genuine concerns about the conduct of others 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.

2.2 This Policy is for disclosures about matters that are in the public interest. If an employee wishes to raise a personal complaint about discrimination, bullying or harassment or is concerned that their own employment 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.

2.3 A worker who makes a protected disclosure that they reasonably believe is in the public interest has the right not to be dismissed or subjected to victimisation because they have made the disclosure.

2.4 The College is committed to ensuring that disclosures raised in accordance with this Policy will be dealt with appropriately, consistently, fairly and professionally.

2.5 This Policy has been developed in accordance with current legislation:

- Public Interest Disclosure Act 1998
- Enterprise and Regulatory Reform Act 2013
- Worker Protection Act 2023

3.0 Policy Scope

3.1 This Policy applies to “workers”, which includes all employees of the College as well as:

- College-employed apprentices;
- employees of contractors working for the College, for example agency staff or builders;
- former employees of the College.

3.2 While the College will handle volunteer disclosures with confidentiality and without reprisal, volunteers may not have the same statutory protections under the Public Interest Disclosure Act 1998.

3.3 Other policies and procedures linked to this Policy include:

- Financial Regulations including the Anti-Bribery Policy and Gifts & Hospitality Policy
- Fraud Policy and Response Plan
- Safeguarding, Child Protection and Prevent Policy
- Grievance Procedure

- Disciplinary & Capability Policy and Procedure
- Complaints Procedure

3.4 Confidential and independent advice is available from Protect (https://protect-advice.org.uk/ or call 0203 117 2520).

4.0 General

4.1 This Policy will be implemented in accordance with current legislation and guidance.

4.2 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 any of the following having happened, are currently happening or are very likely to happen in the future:

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

4.3 This list is not exhaustive.

4.4 The Enterprise and Regulatory Reform Act 2013 added clarification around what is in the public interest when a worker is making a disclosure:

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

4.5 Wrongdoing can take place inside or outside the UK.

4.6 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, a worker should not agree to remain silent. They should report the matter to the Assistant Principal HR.

4.7 Concerns that are raised anonymously will be considered but will only be investigated in exceptional circumstances.

4.8 If you ask for the concern raised to be treated in confidence, every effort will be made not to reveal your identity. Your identity will not be revealed unless:

- The College legally has to reveal your identity;
- The information is already publicly available;
- It is necessary to share your identity on a strictly confidential basis to a professional such as a solicitor or while the College seeks external advice.

4.9 If a disclosure leads to disciplinary or other proceedings it may not be possible to take action as a result of your disclosure without your help, and 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 advice and support.

4.10 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

4.11 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external to the College.

5.0 Protected Disclosures

5.1 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 concern (see section 3.2), and must be made in an appropriate way in line with the procedure set out in this Policy (see section 5).

5.2 This Policy is designed to offer protection to workers who disclose such concerns provided that the disclosure is:

- Made in the public interest;
- Made in good faith, and the information they are disclosing is true;
- Made where the individual has reasonable evidence (but not necessarily proof) 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 they make the disclosure to an appropriate person;
- Free from evidence of potential malicious or vexatious allegations.

5.3 The Worker Protection Act 2023 introduces a new duty on employers to prevent sexual harassment. From October 2026, employers will be required to take "all reasonable steps" to safeguard employees from sexual harassment at work. Employer liability for harassment by third parties (e.g. customers or contractors) will also be reintroduced. Workers will be afforded protected disclosure status if they whistleblow about sexual harassment in the workplace.

5.4 The law protects workers 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 worker is in the public interest and made in accordance with this Policy.

5.5 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.

5.6 A worker who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment or victimised because they made a protected disclosure. No worker will be victimised for making a protected disclosure 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 protected disclosure.

5.7 Victimisation of a worker for raising a protected disclosure will be a disciplinary offence.

5.8 No College policy, contract or confidentiality clause (e.g. a Non-Disclosure Agreement) can prevent an employee from making a protected disclosure. Under UK law, any agreement term that tries to gag whistleblowers is not legally enforceable.

6.0 Procedure for Raising a Disclosure

6.1 The College encourages workers to raise their concerns under this Policy with a College manager in the first instance. However, if this is not possible, for example because your manager is involved in the wrongdoing or because you have raised it with them already and they have failed to take action, then you should follow the procedure set out below.

6.2 The concern 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.

6.3 If the concern relates to a Senior Post Holder or the worker is concerned that a Senior Post Holder is involved in the wrongdoing, they should inform the Head of Governance (HoG). The HoG will refer the disclosure to a relevant College Governor(s).

6.4 Where possible, the worker is encouraged to put their concerns in writing, including as much information and detail as possible and any relevant evidence.

6.5 The Senior Post Holder or College Governor will acknowledge receipt of the concern as soon as possible and typically within ten working days.

6.6 The Senior Post Holder or College Governor will carry out a preliminary review of the information provided to decide whether the concern falls within the scope of this Policy and, if so, whether there are grounds to proceed. The purpose of the preliminary review is to confirm the details of the concern and to decide whether the matter should be taken forward. The outcome from this provisional review may be:

- That there are insufficient grounds to warrant an investigation;
- To conduct a formal internal investigation;
- To refer the matter to be dealt with under another College policy as set out in section 2.2;
- To refer the matter to the police;
- To refer the matter for an independent enquiry.

6.7 If the Senior Postholder or College Governor determines that an internal investigation should be carried out, they will arrange an investigation of the matter (either by investigating the matter themself or immediately passing the issue to someone in a more suitable position). The investigation will be completed as speedily as possible.

6.8 The outcome(s) of the investigation will be reported to the College ELT or Board as is appropriate, for them to make a decision on the course of action to be taken and whether any other internal College procedures should be invoked.

6.9 We will aim to keep the person raising the concern informed of the progress of the investigation (if any) and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

6.10 If, having made a protected disclosure in accordance with the above procedure, the worker reasonably believes that appropriate action has not been taken, they are entitled to contact a relevant external body or prescribed person to express the concern.

6.11 A “relevant body” is likely to be a regulatory body such as the Department for Education (DFE) or the Health and Safety Executive (HSE). Disclosures to these bodies are treated as protected disclosures in the same way as they are treated internally.

6.12 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 worker.

7.0 Data Protection Requirements

7.1 In order to properly consider and investigate concerns, the College may collect and process the following information:

- Details of the individual raising the concern,
- Details of the concern,
- Information about individuals named or involved,
- Supporting evidence and records, such as emails, documents, financial records, CCTV, or system logs
- Notes of interviews, findings, and recommendations

7.2 Special category data (e.g. health, equality characteristics) may be processed where it is relevant to the concern raised.

7.3 Personal data is processed for the purposes of:

- Investigating allegations of wrongdoing or misconduct
- Taking appropriate action in response to those allegations
- Complying with the College's legal and regulatory obligations
- Protecting the public interest, staff, learners, and the College

7.4 The College will treat all disclosures sensitively and confidentially. Information will only be shared on a strict need-to-know basis with:

- Investigating officers
- Senior management or governors where required
- External bodies (e.g. regulators, auditors, law enforcement) where appropriate

7.5 The identity of a whistleblower will not normally be disclosed without consent, unless:

- Required by law
- Necessary to ensure a fair investigation or legal process

7.6 Records relating to whistleblowing concerns will be retained in line with the College's Data Retention Policy and will reflect the sensitivity of the matter and any ongoing investigations or legal proceedings

7.7 Data will be securely deleted when no longer required.

8.0 Monitoring and Review

8.1 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.

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