

WHISTLEBLOWING PROCEDURE

Subject:	Whistleblowing Procedure
Origination Date:	September 2001
Effective Date:	March 2023
Person responsible:	Chief Executive
Approved by:	SLT, Governing Body Corporation
For action by:	All staff
For information to:	All staff

POLICY NO. G12/23

Introduction

An effective way of encouraging propriety throughout an organisation is to have a policy which encourages staff to raise genuine concerns about suspected malpractice internally as soon as possible and in a confidential fashion without fear of reprisals.

This policy covers all employees, officers, consultants, contractors, volunteers, apprentices, casual workers and agency workers.

The policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standard Institute and Public Concern at Work.

This procedure is not meant to be used for employees to raise private grievances who should refer to the College's Grievance Procedure.

The College seeks to tackle malpractice in the following ways:-

- Corporation members will set the tone of the College and commit themselves to tackle malpractice. The Board itself has adopted a Code of Conduct and a Register of Members' Interests.
- The Board and College Senior Leadership Team will monitor the use of this procedure to enable employees to raise their concerns without fear.
- The College will ensure there is an alternative to line management if staff wish to raise concerns about suspected malpractice.

1. The Procedure

- 1.1 The College will enable members of staff to raise genuine concerns about malpractice, which is taken seriously by the College.
- 1.2 This procedure is, accordingly, intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College. The aim is to provide a mechanism under which genuine concerns can be raised internally, and, subsequently if necessary, externally. It is also intended to promote throughout the College a culture of openness and a shared sense of integrity by inviting all employees to act responsibly in order to uphold the reputation of the College and maintain public confidence.
- 1.3 This procedure also seeks to balance the need to provide safeguards for members of staff who raise genuine concerns malpractice against the need to protect other members of staff, members of the Corporation, students and the College against false, uninformed, malicious or vexatious allegations which can cause damage to innocent individuals.

2. Whistleblowing

- 2.1 Whistleblowing is the disclosure of information which relates to suspected malpractice or dangers at work. This may include:
- Fraud or financial irregularity
 - Bribery or blackmail
 - Criminal offences
 - Failure to comply with a legal or regulatory obligation
 - Miscarriages of justice
 - Endangering the health or safety of any individual
 - Endangering the environment
 - Serious financial maladministration arising from the deliberate commission of improper conduct
 - Breach of our internal policies and procedures
 - Conduct likely to damage our reputation
 - Unauthorised disclosure of confidential information
 - Negligence
 - The deliberate concealment of any of the above
 - Concerns around Safeguarding and /or Prevent and the individual does not feel able to raise concerns regarding failures internally.
- 2.2 A “whistleblower” is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the College’s activities (a “whistleblowing concern”) staff should report it under this policy.

3. Designated Assessors

- 3.1 The Chief Executive of the College will ensure that 4 members of staff of appropriate experience and standing within the College are designated at any time for the purposes of this procedure as Designated Assessors and that one of the members shall be designated as the Lead Assessor.

At the date of the adoption of this procedure the Designated Assessors will be:

The Lead Assessor

Dylan McTaggart Group Principal & Deputy CEO

(Second) Designated Assessor

Jo Withers Principal (Harrow College)
Gavin Hughes Principal (Richmond College)

Shane Woodhatch Group Chief Finance Officer
Suba Dickerson Vice Principal

(Third) Designated Assessor

Alastair Mullins Assistant Principal – based at Uxbridge College
Sultan Soukani Assistant Principal – based at Harrow College

(Fourth) Designated Assessor

Kiran Rami Head of Student & Learning Services based at Uxbridge College
Lee Janaway Head of Guidance & Student Services and DSL based at Harrow College.

- 3.2 If a member of staff is uncertain as to whether something is within the scope of this policy, s/he should seek advice from the Lead Assessor [or a Designated Assessor].
- 3.3 The Chief Executive may revoke any such designation from time to time and appoint new Designated Assessors. The Chief Executive will report any such revocation to the next meeting of the Corporation, together with brief reasons for the revocation.
- 3.4 Any of the Designated Assessors may consult the HR Director or HR Manager about confidential matters relating to a disclosure in order to seek appropriate advice. Where the HR Director and/or the HR Manager are the subject of any disclosure, the relevant Designated Assessor will instead seek external advice as appropriate having first complied with any applicable internal procedure i.e. Grievance or disciplinary.
- 3.5 If a whistleblowing concern involves the Lead Assessor then a member of the Governing Body appointed by the Chair will take over the role of the Lead Assessor and they will be supported by the HR Director or HR Manager. If allegations concern the Lead Assessor the Discloser should write to the Director of Governance.

4. Disclosure

- 4.1 The College will seek to ensure all staff are made aware of the College's Whistleblowing policy and procedures and the identified contact points listed under 3.1. Communication and advice on Whistle blowing will include, the Staff handbook, staff induction activity, as part of CPD on the College's communications processes and relevant information made readily available to all staff in the regular HR Newsletter, on the Staff intranet site and as a constant reminder to staff on iTrent.
- 4.2 The College hopes that in many cases staff will be able to raise any whistleblowing concern with their line manager, in person or in writing.
- 4.3 However, where the matter is more serious, or the person making the disclosure (the Discloser) feels that the line manager has not addressed the concern, or the Discloser prefers not to raise it with the line manager for any reason, the Discloser should provide to the Lead Assessor the grounds for suspecting that there has been malpractice. The choice of Designated Assessor who will consider the disclosure will be made by the Lead Assessor or member of the Governing Body after taking account of the nature of the complaint.

- 4.4. Any disclosure to the Lead Assessor under this procedure shall be in writing. The Discloser must provide whatever written evidence they have that supports their whistleblowing concern.
- 4.5. The College hopes that the Discloser will feel able to voice whistleblowing concerns openly under this procedure. However, if a Discloser wishes to raise a concern confidentially, the College will make every effort to keep the Discloser's identity secret. If it is necessary for anyone investigating the disclosure to know the Discloser's identity, the College will discuss this with the Discloser.
- 4.6. The College does not encourage staff to make disclosures anonymously. Proper investigation may be difficult or impossible if the College cannot obtain further information from the Discloser. It is also more difficult to establish the basis of any allegations.
- 4.7. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Lead Assessor and appropriate measures can be taken to preserve confidentiality.
- 4.8. On receipt of the disclosure, the Designated Assessor will interview the Discloser in confidence, such interview to take place as soon as practicable, after the initial disclosure. The purpose of the interview will be for the Designated Assessor to obtain as much information as possible from the Discloser about the grounds for their whistleblowing concern. The Discloser may be accompanied by a trade union representative or work colleague at the interview who should respect the confidentiality of the disclosure and any subsequent investigation. The Designated Assessor may be accompanied by an administrative assistant who will be subject to a duty of confidentiality to take notes which will not identify the Discloser.

5. Further Steps

- 5.1. As soon as practicable, after the initial disclosure the Designated Assessor will recommend what further steps should be taken and will keep the Discloser informed of progress. Such recommendations may include one or more of the following:
 - that no further action should be taken;
 - that the matter should be reported to the police;
 - that the matter should be reported to the SFA, the Department for Education, the National Audit Office or other appropriate public authority;
 - that the matter should be investigated either internally by the College, by a committee of the Corporation, by internal or external auditors or by an independent external investigator appointed by the College or the Governing Body.
- 5.2. Any recommendations made under this procedure will be made by the Designated Assessor to the Chief Executive unless it is alleged that the Chief Executive is involved in the alleged malpractice, in which case the recommendations will be made to the Chair or one of the Vice-Chairs of the Corporation. The Chief Executive or Chair or Vice Chair of the Corporation will ensure recommendations of the Designated Assessor are implemented.
- 5.3. Once the Chief Executive (or other recipient) has decided what further steps (if any) should be taken, the Designated Assessor will inform the Discloser of the decision. If no further steps are proposed, the Designated Assessor will give the reasons for this.
- 5.4. If a Discloser is not happy with the way in which their concern has been handled, the Discloser can raise it with one of the other Assessors. Alternatively, s/he may contact the HR Director. Contact details are set out at the end of this policy.

6. External Disclosure

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any malpractice in the workplace. In most cases staff should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for staff to report whistleblowing concerns to an external body such as a regulator. [If, having followed this procedure, the Discloser is not satisfied, the Discloser may raise the matter concerned on a confidential basis directly with the police, the ESFA, the Department for Education, a Member of Parliament or other appropriate public authority such as the NSPCC.] Public Concern at Work operates a confidential helpline. Their contact details are at the end of this policy. Before taking such action, the Discloser is encouraged to inform a Designated Assessor or the Lead Assessor in writing.
- 6.3 The Discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

7. Safeguards

- 7.1 Any report or recommendations by the Designated Assessor in relation to the matter will not identify the Discloser except where:
- the Discloser consents in writing
 - the Designated Assessor is under a legal obligation to disclose the identity of the Discloser so
 - the information is already in the public domain
 - it is necessary in order to undertake an investigation into the matters disclosed and these matters cannot be investigated unless the name of the Discloser is revealed.
 - it is necessary on a strictly confidential basis to the Designated Assessor's administrative assistant: or
 - it is necessary on a strictly confidential basis for the Chief Executive, HR Director, HR Manager or Director of Governance to obtain legal advice from a professionally qualified lawyer.
- 7.2 Any documentation relating to the matter will be kept secure by the Designated Assessor and/or the HR Director/HR Manager. As far as practicable, any documentation prepared by the Designated Assessor will not reveal the identity of the individual as the Discloser of information under this procedure.
- 7.3 Where the Discloser involves a local trade union representative or work colleague in this procedure, the Discloser will be under an obligation to use all reasonable endeavours to ensure that the representative or work colleague keeps this matter strictly confidential except, as permitted under this procedure, until such time as it comes into the public domain.
- 7.4 The Discloser is required by the College to participate and co-operate in an investigation into the matter.
- 7.5 The College will not (and it will use all reasonable endeavours to ensure that its employees do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this procedure. Staff must not suffer any detrimental treatment as a result of raising a genuine whistleblowing concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. The Discloser should report any complaints of such treatment to the Designated Assessor.

If the Discloser wishes the Designated Assessor to investigate such complaints, the Discloser may be asked to consent in writing to the Designated Assessor that the Discloser's identity for the purposes of such an investigation may be revealed. If the complaint is about the conduct of the Designated Assessor, then the Discloser should write to the Director of Governance. If the matter is not remedied, the Discloser should raise the matter formally using the Grievance Procedure.

- 7.6 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

8. Disciplinary Action

- 8.1 The full range of disciplinary sanctions may be taken against a Discloser if s/he is found to have made false allegations maliciously or with a view to personal gain.

9. Amendments/Review

- 9.1 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 9.2 Any comments or suggestions about the procedure should be referred to the Lead Assessor or HR Director.
- 9.3 Use of this procedure by College employees will be reported to the Governing Body via the Resources Committee and the Audit Committee.

10. HRUC HR Director Contact details

Karen Elliott

Tel: 01895 853313 email: kelliott@hcuc.ac.uk

10. Other Information / contacts (External)

ESFA: <https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>

Public Concern at Work contact (pcaw.co.uk) details:

Tel: 0207 404 6609 email: whistle@protect-advice.org.uk

NSPCC contact details:

Tel: 0800 028 0285 email: help@nspcc.org.uk