

The College is committed to the equality of opportunity and to a proactive approach to equality, which supports and encourages under-represented groups, promotes inclusivity and values diversity

WHISTLEBLOWING POLICY AND PROCEDURE

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 with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages employees 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 concerns about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage employees to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows employees to raise such concerns externally and this policy informs employees 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.
- 1.4 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 Students at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint. Formal complaints can either be made by letter or by using the complaints form available from Reception or the College website. This policy and procedure is designed for the use of employees of the College.

2 Applicability of this policy and procedure

- 2.1 This policy applies to all employees of the College, which includes any casual workers, employees of contractors, and agency workers engaged by the College.
- 2.2 Employees might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise

under the College's Grievance Procedure. Any worker in this situation is encouraged to approach the HR Manager in confidence for advice.

3 Protected disclosures

- 3.1 The law protects employees, who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows employees 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). A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4 Specific Subject Matter

- 4.1 If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:
- That a criminal offence has been committed, is being committed or is likely to be committed
 - That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - That a miscarriage of justice has occurred, is occurring or is likely to occur
 - That the health or safety of any individual has been, is being or is likely to be endangered
 - That the environment has been, is being or is likely to be damaged
 - That information tending to show any of the above is being, or is likely to be, deliberately concealed

5 Procedure for making a disclosure

- 5.1 Information which an employee reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to the employee's line manager or their senior 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 or senior line manager, an employee can raise the issue with the Principal.
- 5.3 If the disclosure relates to the Principal, an employee can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk to the Corporation, the issue can be raised with the Chair of the Corporation.
- 5.4 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should meet the appropriate person. It is

important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistleblowing procedure.

5.5 Employees 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
- The credibility of the concern
- How likely it is that the concern can be confirmed from attributable sources

5.6 For advice and guidance on how matters of concern may be pursued employees should speak in confidence to the Clerk to the Corporation.

6 Procedure for investigation of a disclosure

6.1 When an employee makes a disclosure, the College will acknowledge its receipt, in writing, within ten working days.

6.2 The College will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the employee will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the College is satisfied that an employee does not have a reasonable belief that suspected malpractice is occurring
- If the matter is already the subject of legal proceedings or appropriate action by an external body
- If the matter is already subject to another, appropriate College procedure

6.3 When an employee makes a disclosure which has sufficient substance or merit warranting further action, the College will take action it deems appropriate (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.

6.4 If appropriate, any internal investigation would be conducted by a senior member of staff at 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.

6.5 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the Corporation 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.

- 6.6 The employee 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. If investigations into the concern are prolonged, the College will keep the employee concerned updated as to the progress of the investigation and provide an estimated timeframe for its conclusion.
- 6.7 If the employee is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal within ten working days. The Principal will make a final decision on action to be taken and notify the employee making the disclosure.

7 Safeguards for employees making a disclosure

- 7.1 An employee making a disclosure under this procedure can expect their 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 employee 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 an employee on the grounds of making a disclosure under this policy or procedure. This does not prevent the College from bringing disciplinary action against an employee 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 An employee 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 an employee 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.

8 Disclosure to external bodies

- 8.1 This policy and procedure has been implemented to allow employees to raise disclosures internally within the College. An employee has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.
- 8.2 Employees may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website.
- 8.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body such as

a regulator or a solicitor. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external (See sections 5.6 and 10.3).

- 8.4 Employees should be aware that if they choose to take a concern outside the College, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

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 Corporation's Audit Committee on an annual basis as appropriate.

10 Further assistance for employees

- 10.1 The College will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure, an employee 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 Principal.

- 10.2 An employee making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Human Resources Manager. Such a request would be made in confidence.

- 10.3 Employees can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows: CAN Mezzanine, 7-14 Great Dover Street, London, SE1 4YR; Whistleblowing Advice Line: 020 7404 6609; Website: <http://www.pcaw.org.uk>

Member of staff responsible for this policy
Date approved by the Corporation
Date when this policy will be reviewed or rolled forward

Principal
03 March 2021
March 2024, or following an invocation of the policy (whichever is the sooner)