**PURPOSE:** The College is committed to operating in an ethical and principled way, with honesty and integrity and expects all staff to maintain high standards of professionalism in exercising their duties. A culture of openness and accountability is essential in order to prevent unethical or illegal situations occurring and to address them if they do occur. The aim of this policy and procedure is to provide employees and workers with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Managers can obtain further guidance on this policy and procedure from Human Resources.

Alongside this Policy, appropriate reference may also be made to the College’s Prevent, Detection and Reporting of Fraud and Coruption Policy, Anti-Money Laundering Policy, and the Bribery Policy.

**SCOPE:** All employees, casual/agency workers, governors, consultants, contractors and volunteers.

**REPRESENTATION:** Employees are entitled to be accompanied by their Trade Union representative or a work colleague at formal meetings under this policy and procedure.

**Principles**

* The College encourages staff to raise genuine concerns about suspected wrongdoings at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable individuals to raise concerns about malpractice or impropriety in connection with the College.
* The College will ensure that staff are able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
* All parties involved in this procedure must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the College.
* Managers should seek the advice of the Human Resources Department, prior to initiating any formal action under this Procedure.
* At no point, in any informal or formal meeting, is it appropriate for any party to digitally record any aspect of the meeting. A note taker will be present at formal meetings, and a written recording of proceedings will be made.
* This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Protect (*formerly ‘Public Concern at Work’*). The College is also committed to ensuring compliance with the Bribery Act 2010.
* Students are also encouraged to raise genuine concerns about suspected wrongdoing, and should contact the Director of Student Services to do so.
* This policy and procedure are not contractual, and may be amended at any time.
* The College is aware of its obligations under the General Data Protection Regulation (GDPR) and ensures full compliance with this regard in the handling of concerns raised in accordance with this procedure.

1. **POLICY**

**1.1 What is Whistleblowing?**

1.1.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work, which are likely to be in the public interest. This may include:

1. Criminal activity;
2. Failure to comply with any legal or professional obligation or regulatory requirements;
3. Miscarriages of justice;
4. Danger to Health & Safety;
5. Damage to the environment;
6. Bribery in relation to Anti-Bribery and Corruption;
7. Financial fraud or mis-management under the College’s Financial Regulations and Fraud Response procedure therein (Finance);
8. Academic misconduct;
9. Breach of the College’s internal policies and procedures;
10. Breach of the College’s Safeguarding Policy and Procedure;
11. Conduct likely to damage the College’s reputation or financial wellbeing;
12. Unauthorised disclosure of confidential information, and/or a deliberate or serious breach of GDPR and Data Protection legislation;
13. Negligence
14. The deliberate concealment of any of the above matters.

1.1.2 The wrongdoing could take place anywhere in the world, not necessarily under UK Law, and could include actions by staff, students, Governors, consultants or contractors.

**1.2 ‘Blowing the Whistle’**

1.2.1 A ‘**Whistleblower**’ is a person who raises a reasonably held concern relating to any of the above. If an individual has a genuine concern related to suspected wrongdoing or danger affecting any of our activities (a ‘**Whistleblowing Concern’**), the individual should report it under this policy and in accordance with this procedure.

1.2.2 Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it; usually because it threatens others, e.g. students, staff, customers, or the public. A staff Grievance or complaint is, by contrast, a dispute about an employee’s employment position or experience and has no additional public interest dimension.

1.2.3 This policy and procedure should not be used for complaints relating to a staff member’s own personal circumstances, such as the way they perceive they have been treated at work. In these cases, the College’s Grievance Procedure should be referred to and followed, as appropriate.

1.2.4 Where a member of staff is unsure whether a matter is within the scope of this policy, they should seek advice from the Human Resources Department, prior to raising their concern under this procedure. Please also see the Allegations Against Staff Policy and Procedure in the annex of the College’s Learner Safegaurding Vulnerable Adults and Child Protection policy, and the Staff Grievance procedure.

**1.3** **Raising a Whistleblowing Concern**

1.3.1 It is hoped that in many cases, an individual will be able to raise concerns with their line manager, either by speaking with them in person or putting the matter in writing. The line manager and individual may be able to reach a resolution quickly and effectively, without the need for formal intervention.

1.3.2 In some cases where the matter is more serious, or where the individual feels that the line manager has not addressed their concern, or if the individual feels that it is not possible to raise the matter with their line manager for a good reason, the individual should raise their concern with the Head of Department or Head of Learning who will seek advice from the HR Department. If it would be inappropriate to raise the concern with the Head of Department or Head of Learning, the individual may raise the matter directly with the Human Resources Department.

1.3.3 If the disclosure relates to the Principal & CEO, the whistleblower should raise the issue with the Clerk to the Corporation. In the event that the issue relates to the Clerk of the Corporation, the individual should raise the matter with the Chair of the Board of Governors.

1.3.4 A meeting will be arranged with the individual as soon as possible, to discuss their concerns. The individual may bring a College colleague or Trade Union representative to any meetings under this policy. The chosen companion must ensure that they respect the confidentiality of the disclosure and any subsequent investigation.

1.3.5 During the meeting, notes will be taken of the concern being raised, for this to be formally documented, and recorded in HR. A copy of this record will be provided to the indlvidual after the meeting. An indication of the process and proposed course of action will also be advised to the individual.

**1.4 Confidentiality**

1.4.1 The College hopes that all staff feel able to voice whistleblowing concerns openly under this policy and procedure. However, should an individual wish to raise a concern confidentially, every effort will be made to protect identity, where possible, and this will be discussed with the individual. The investigating officer (appointed as part of the process – see 1.5.4 below) is likely to require knowledge of the individual’s identity, and so this would also be discussed with the individual.

1.4.2 Although it is not encouraged, individuals are able to make a disclosure or raise a concern anonymously, and this is permitted. However, a full, fair and proper investigation may be difficult or impossible if it is not possible to gain further information from the original source. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed, should contact the Human Resources Department for advice. Appropriate measures can be discussed to preserve confidentiality. Individuals can also seek advice from their Trade Union representative, Protect, the Independent Whistleblowing Charity who offer a confidential helpline, and/or the Staff Counselling Service, as below:

|  |  |
| --- | --- |
| **Protect**  (Independent Whistleblowing Charity,  formerly Public Concern at Work) | **Helpline:** 020 3117 2520  **E-mail:** whistle@protect-advice.org.uk  **Website:** www.pcaw.co.uk |
| **Staff Counselling Service (Zurich)**  Monday to Friday, 9am-5pm | **Tel:** 01179 342121 |
| **Human Resources Department** | **Tel:** 01782 603626  **Locations:** LS16, 2nd Floor Lifestyle Building, Cauldon Campus; or  Executive Suite, 2nd Floor, Burslem Campus |

**1.5 Investigation and Outcome**

1.5.1 Once a concern has been raised, or the ‘whistle blown’, an initial assessment will be carried out to determine the scope of any ensuing investigation. The outcome of the investigation will be summarised to the whistleblowing individual. However, sometimes the need for confidentiality may prevent specific or full details being given to the individual pertaining to the investigation or actions taken as a result. Any information disclosed to the individual should be treated and held in the strictest of confidence.

1.5.2 The individual may be required to attend additional meetings in order to provide further information and detail. If the individual cannot attend any such further meetings, they will be asked to provide their reasons for not attending.

1.5.3 The College reserves the right to determine whether or not to apply this policy and procedure in respect of an anonymised disclosure, in light of the following considerations:

1. The seriousness of the issue raised within the disclosure;
2. The credibility of the concern; and
3. How likely it is that the concern can be confirmed from attributable sources.

1.5.4 Where appropriate, an Investigating Officer(s) will be appointed, who will be a manager(s) with relevant experience of conducting investigations or a member of staff with specialist knowledge of the subject matter. The investigating officer(s) may make recommendations for change to enable the College to minimise the risk of future wrongdoing.

1.5.5 The Investigating Officer may decide that no further action should be taken. Considerations to be taken into account when making this determination may include the following:

1. If the College is satisfied that the whistleblower does not have a reasonable belief that suspected malpractice has occurred or is occurring; or
2. If the matter is already the subject of legal proceedings or appropriate action by an external body; or
3. If the matter is already subject to another, appropriate College procedure.
4. How and when this decision is communicated to the Whistleblower.

**1.6 Right Of Appeal (In the event of Dissatisfaction)**

1.6.1 While an outcome that is satisfactory and acceptable to the Whistleblower cannot be guaranteed, every effort will be made to deal with their concern/disclosure fairly, quickly and in an appropriate manner. The proper implementation of this policy and procedure will facilitate this.

1.6.2 If the Whistleblower is dissatisfied with the way that their concern/disclosure has been handled, they should submit a written appeal to the Principal & CEO within 14 days of receipt of the outcome of the investigation, or if the appeal relates to the Principal & CEO, the appeal should be addressed to the Chair of the Board of Governors within the same timeframe. Alternatively or additionally, they may contact Protect (contact details on previous page).

**1.7 External Disclosures**

1.7.1 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 individual should not find it necessary to alert anyone externally. However, the Law recognises that in some circumstances, it may be appropriate for an individual to report their concerns to an external body such as a Regulator or Inspector. An individual can also make an allegation to a practising Solicitor or Barrister on a confidential basis.

1.7.2 It should not be appropriate to alert the media, and individuals are strongly advised and encouraged to seek advice before reporting a concern to anyone external other than regulators. The Independent Whistleblowing Charity, Protect, has a confidential helpline (contact details given on previous page). Protect will also be able to provide a list of prescribed regulators for reporting certain types of concern. This list is also available to download from the www.gov.uk website.

1.7.3 Whistleblowing concerns usually relate to the conduct or actions of our staff, but they may also sometimes relate to the actions of a third party, such as a contractor or service provider. In some circumstances, the Law will protect the whistleblowing individual if their concern is raised with the third party directly. However, the College encourages all individuals to report such concerns internally first, by speaking with their line manager or the Human Resources Department.

**1.8 Protection and Support for Whistleblowers**

* + 1. The College understands that whistleblowers may sometimes be worried about the possible repercussions of raising their concern(s). The College aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken, and providing that they are in no way malicious or vexacious.
    2. Whistleblowers must not be subjected to or suffer any detrimental treatment as a result of raising a concern. Detrimental treatment would include dismissal, disciplinary action, threats or unfavourable treatment connected with raising a concern. If an individual believes that they have suffered any such treatment, they should inform the Human Resources Department as soon as possible. If the matter is not resolved and remedied, the College’s Grievance procedure may be used by a member of staff to raise a matter formally.
    3. No member of staff or student should threaten or retaliate against a whistleblower in any way, and any incidents of such conduct shall be dealt with in accordance with the relevant Staff or Student Disciplinary Policy and Procedure.
    4. Staff members may wish to seek additional support from the Staff Counselling Service. The College’s Counselling provision can be accessed via the contact details on the previous page.

**1.9 Accountability**

1.9.1 The College will keep a record of all concerns raised under this policy and procedure, including where the College deems there to be no case to answer and as a result has taken no action, and will report to the Board of Governors on an annual basis, as appropriate.

1. **PROCEDURE**

**2.1 Making an Allegation**

2.1.1 In the first instance, concerns should be raised with:

1. An employee’s line manager;
2. A student’s personal tutor;
3. The College point of contact for contractors, agency workers, consultants, and volunteers;
4. A member of the Executive Board for Governors.

2.1.2 In many cases, the above points of contact will be able to deal with the issue raised quickly and effectively. If this is not the case, the point of contact will raise the matter with the Human Resources Department, who may assign another, or more senior, manager to the case.

2.1.3 If the disclosure relates to the Principal & CEO, the whistleblower should raise the issue with the Clerk to the Corporation. In the event that the issue relates to the Clerk of the Corporation, the individual should raise the matter with the Chair of the Board of Governors.

2.1.4 It is not appropriate to use this procedure in circumstances already covered by other relevant College policies and procedures, for example, staff and student Grievance, Harassment & Bullying, Disciplinary, Health & Safety, Anti-Bribery and Corruption, Financial Irregularity. In many cases, these procedures will prove sufficient for the investigation of alleged malpractice. If an individual is uncertain as to which policy and procedure a matter should be raised under, they should contact the Human Resources Department for advice.

2.1.5 There are two ways in which allegations not covered by other College policies and procedures can be raised in a confidential manner under the Whistleblowing procedure:

1. Allegations about an individual’s financial conduct should normally be made in writing, as outlined in the Coillege’s Financial Regulations. If it is believed that the matter goes beyond the stipulation of these Regulations, an allegation should be made in writing, clearly stating that the concern is being raised under the Whistleblowing Policy. The submission should set out the full detail of the concern, together with any supporting evidence and/or documentation.

1. Allegations about other issues should be made in writing in the first instance, to the individual’s line manager. If the matter is felt to be more serious, or if the individual feels that their line manager has not addressed their concerns, they should contact the Human Resources Department. Again, the submission should clearly state that the concern is being raised under the Whistleblowing Policy and should fully set out the details of the concern, together with any supporting evidence and/or documentation.

2.1.6 In any case, where an allegation has been made, the person to whom the allegation is made should make a record of its receipt and of subsequent action taken, including the individual(s) appointed as the investigating officer(s), where relevant.

2.1.7 A record of the nature and outcome of all Whistleblowing claims will be retained confidentially in the Human Resources Department.

**2.2 Investigation and Outcome**

2.2.1 Any allegation made under this Procedure to the Human Resources Department will normally be the subject of an initial assessment by a senior member of the Human Resources Department, or an appointed investigating officer (respectful of any conflict of interest).

As part of this initial assessment, the Investigating Officer may wish to meet with the whistleblower to further discuss their concerns and where possible obtain evidence; and following the meeting, will provide them with an agreed written summary of the concern. The Investigating Officer should provide an indication of how they will deal with the matter.

2.2.2 Further meetings with the whistleblower may be required throughout the investigation. Individuals may attend these meetings accompanied by a colleague or a Trade Union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

2.2.3 A decision as to whether a formal investigation will be carried out should be made within ten working days of the allegation being received, and if this is not possible, the whistleblower should receive an explanation of the reasons, in writing.

2.2.4 The Investigating Officer is responsible for ensuring that the investigation is completed as expeditiously as possible.

2.2.5 Where the allegation relates to fraud or financial irregularity, the allegation will normally be investigated using the provisions of the College’s Financial Regulations, and the Disciplinary Policy if appropriate.

2.2.6 Where an allegation relating to other areas of malpractice is made, and an investigation carried out, the person or persons against whom the allegation is made must be informed of the allegation, the evidence supporting it, and be allowed to comment before the investigation is concluded and a report made. Any investigation would be undertaken without unreasonable delay, and will usually commence within 5 working days of the Disclosure being received and recorded. Any delay in this timescale will be communicated to the parties involved by the appointed Investigating Officer or the Human Resources Department.

2.2.7 Where the investigation confirms that malpractice has occurred by any party, which may include the individual making the allegation, if malicious or vexacious, appropriate College procedures will be enacted promptly.

2.2.8 At any stage in the investigation, if the Investigating Officer concludes that the matter warrants a report to an external body or government agency, such as Ofsted, the Care Quality Commission (CQC), the Health & Safety Executive (HSE), the Information Commissioner’s Office (ICO), or the Police, this should be undertaken by a member of the Executive Board, usually the Chief HR Officer, or their nominee. The Principal & CEO will be informed, as appropriate.

2.2.9 Where the investigation confirms that there is no malpractice to answer, the allegation is effectively dismissed and no further action will be taken. The whistleblower shall be informed in writing, or in the appropriate manner according to the situation and context.

2.2.10 The investigating officer may decide that an investigation would be inappropriate because there is no substantive case or that normal formal channels should be used to raise the issue. Where no investigation is carried out, and the allegation is effectively dismissed, the whistleblower shall be informed.

2.2.11 Once an investigation has been concluded, the Whistleblower considers that the allegation has been handled unsatisfactorily, the whistleblower may contact the Human Resources Department or a member of the Executive Board. An individual may wish to seek advice from Protect (the independent whistleblowing charity) either before, during or after completion of the whistleblowing process.

**2.3 Rights and Responsibilities of Whistleblowers**

2.3.1 Any individual making an allegation under this procedure is guaranteed that the allegation shall be regarded as confidential until a formal investigation is initiated. Thereafter, the identity of the whistleblower may be kept confidential, if requested, unless this is incompatible with a fair investigation, or if there is an overriding reason for disclosure (for example, if Police involvement is required). A similar duty of confidentiality lies with the whistleblower.

2.3.2 Provided the allegation has been made lawfully, without malice, and in the public interest, the individual should not be disadvantaged for reasons of making the allegation. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence, which will be dealt with under the relevant Disciplinary Procedure. If an individual who raises a concern feels that they have been disadvantagedas a result of their disclosure, they should contact the Human Resources Department immediately. If harassment continues after intervention by the Human Resources Department and relevant senior departmental manager, the individual has the option to engage the Grievance Procedure.

2.3.4 If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person making the allegation. If, however, an allegation is established to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual, in accordance with the College’s Disciplinary Procedure.

**3. Representation**

Employees are entitled to be accompanied by their Trade Union representative or a work colleague at formal meetings under this procedure.

**4. Preservation of Rights**

Nothing in this procedure will in any way detract from or impinge upon an individual employee’s statutory employment rights. Where changes to a statutory provision affect this policy, the College retains the right to amend the policy accordingly.

**5. Responsibility for the Policy and Review**

The Chief Human Resources Officer has full responsibility for the implementation of this policy.

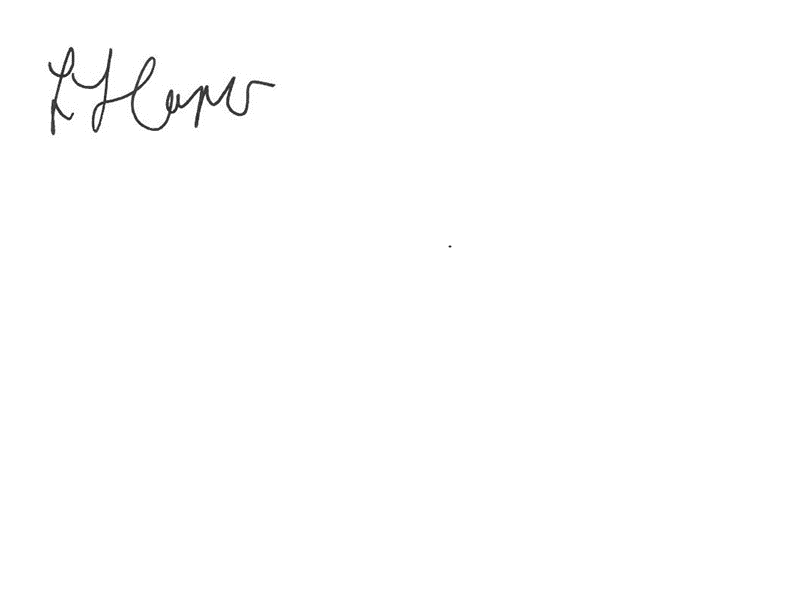
The operation of this Whistleblowing Policy and Procedure will be reviewed annually by the HR Department.

The Executive Board, in conjunction with the HR Department, has overall responsibility for this policy and procedure and for reviewing the effectiveness of actions taken in response to concerns thereby raised.

**6. Approval**

Approved by the College Senior Management Team.

Signed:



(Principal & CEO)

Endorsed by the Governing Body:

Signed: 

(Chair)