

Whistleblowing Policy and Procedure

SLT Member responsible for policy	Vice Principal Finance & Resources
Date of policy	November 2022
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Date next review due	November 2023
Equality & Diversity Impact Assessment completed	November 2022

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1. Introduction

Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Company is responsible for or taken part in some wrongdoing.

Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

Hereward College is committed to ensuring a climate of openness and dialogue where staff and workers feel free to raise concerns in a reasonable and responsible way without fear of victimisation. Whistleblowing occurs when a member of staff or worker provides certain types of information, usually about illegal or dishonest practices to the employer or a regulator, which has come to their attention through work.

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the College has committed a “relevant failure” by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- risk or actual damage to the environment
- concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The College will take any concerns that you may raise relating to the above matters very seriously.

Employees must reasonably believe that the disclosure is “in the public interest”. We encourage you to use the procedure to raise any such concerns.

Raising concerns can cause anxiety for staff/workers and fear of victimisation can be a major barrier for staff reporting concerns. Staff can speak with HR if they have concerns and can be supported by their Trade Union Rep or HR during any meetings they may attend under this procedure.

This document sets out the responsibilities of staff and workers when raising issues and concerns. It also sets out the procedure that should be followed by staff who wish to informally or formally pursue their concerns.

This policy and procedural guidance is not an alternative mechanism for staff to raise grievances. The grievance policy and procedure should continue to be used to resolve issues which directly relate to individual members of staff.

This policy applies to governors, all staff, volunteers (including people on a work placement), contractors and agency workers.

2. Policy & Procedure

The Public Interest Disclosure Act (PIDA) 1998 is known in the UK as the whistleblowing law. The Act provides that employers should not victimise any worker who blows the whistle in one of the ways set out in the legislation. PIDA provides protection against victimisation for whistleblowers provided that in the reasonable belief of the worker the disclosure is made in the public interest. Types of qualifying disclosures that give protection to workers include reporting:

- That an individual's health and safety is in danger
- Damage to the environment
- A criminal offence
- The organisation is not obeying the law
- The covering up of wrongdoing
- A miscarriage of justice

An employee will be eligible for protection if they honestly think what they are reporting is true and they think they are telling the right person.

If a member of staff is found to have maliciously raised an unfounded concern, this will lead to disciplinary action being taken against them. In the case of workers (e.g. volunteers), appropriate action will be taken in line with the terms of their contract.

The College considers "a malicious unfounded concern" as one which includes one or more, but not limited to, of the following features:

- There is insufficient or no grounds for the concern
- A refusal to co-operate with the investigation process
- A refusal to accept that certain issues are not within the remit of the Whistleblowing Policy and Procedure
- The making of persistent and unreasonable demands or expectations of staff and/or the Whistleblowing Policy and Procedure
- Harassment, verbal abuse or intimidation of staff dealing with the concern

A disclosure should be made in writing where possible. Anyone making a verbal disclosure will be requested to set out their concerns in confidence, in writing. Anyone claiming to have made a verbal disclosure may later be required to provide sound reasons why the disclosure was not made in writing. Any complaints will be treated as confidential and a decision to make the matter known more widely will only be taken after discussion with the complainant.

If a staff member or worker has a whistleblowing concern, in the first instance staff should raise their concerns with their line manager. If the line manager is alleged to be involved in the whistleblowing concern, the employee should raise this with HR/Vice Principal. The line manager must report the concern to their senior manager and the HR department.

Following receipt of a disclosure made under this policy, an investigation meeting will be held with the employee. The purpose of this meeting is to gather as much information as possible from the employee regarding their concerns, including whether they have any supporting evidence or can identify any witnesses.

After this meeting, the investigating manager will commence a full investigation into the concerns raised. The investigation will aim to gather all relevant information including relevant documentary evidence or witness statements. The investigation should be completed within 10 working days. If this is not possible, the investigation manager will inform the employee of the delay and the reasons why.

Once the investigation is complete, the investigation manager will write to the employee confirming the outcome within 10 working days. In most cases, this should achieve a satisfactory conclusion.

On those occasions where the staff member in question believes the response to be inadequate or where the immediate line manager is alleged to be involved in the whistleblowing concern, they should restate their concerns in writing, outlining any action already taken to have the matter resolved, the response received, and the reasons they were not satisfied with the response. The referral should be addressed to:

PA to Principal, Hereward College, Bramston Crescent, Coventry, CV4 9SW

The matter will then be referred to a member of the Senior Leadership Team.

The member of the Senior Leadership Team will arrange for a full investigation into the issues raised and make a recommendation to the Principal on the action to be taken. The investigation will normally be concluded within 4 working weeks.

If still not satisfied, staff/workers may appeal to the Chair of Governors. Concerns should be set out in writing, stating any action already taken to have the matter resolved, the response received and the reasons the individual was not satisfied with the response.

The referral should be addressed to:

Clerk to the Governors, Hereward College, Bramston Crescent, Coventry, CV4 9SW

The Chair of Governors will liaise with the staff member/worker who has raised the concern to agree a timescale for investigation and response.

If the whistleblowing concern involves a member of the Senior Leadership Team then the procedure outlined above should be followed, with referrals addressed to the Clerk to the Governors.

Where the concern relates to a Governor, referrals should be addressed to:

Ministerial and Public Communications Division, Department for Education, Piccadilly Gate,
Store Street, Manchester, M1 2WD

When these internal procedures are exhausted the staff member/worker may raise the matter with an appropriate government department or agency, e.g. Department for Education, the Health & Safety Executive, Fire Authority, Care Quality Commission or Environmental Health. In the case of abuse this could include Social Services or the Police.

Before taking this final course of action the complainant should consider discussing the matter with an independent third party, e.g. Protect (see below), a legal advisor or the Citizens' Advice Bureau.

Protect is an independent charity that can offer free confidential advice to staff/workers who are anxious about raising concerns or do not know how to raise a concern.

Their contact details are: 020 3117 2520 or <https://protect-advice.org.uk/>

As a last resort, staff/workers may consider disclosing concerns to the media. Individuals should however, be aware that if they take this action unjustifiably it may result in disciplinary action, or other appropriate action if a worker (e.g. volunteer) is involved. "Unjustifiable" in this context means not having exhausted all the College's internal procedures or failing to establish a "public interest" defence.

Exercising Constitutional Right to Contact MP

Nothing in this policy prevents staff from seeking advice and guidance from their MP, as a constitutional right, at any time.

Contact with the Media

If staff/workers are contacted by anyone on behalf of a newspaper, radio or television company etc. they should refer them to the PA to the Principal. Only the Senior Leadership Team or Chair of Governors is authorised to express the views of the College to the media.

3. Responsibilities

Managers

Managers have a duty to ensure that staff are able to easily express their concerns, and deal with those concerns thoroughly and fairly. Managers should encourage staff to freely contribute their views on all aspects of the College and foster a climate of openness where staff feel their views are welcomed, appreciated and where appropriate, acted upon positively.

When staff raise concerns and issues with their Manager they should:

- Take those concerns seriously
- Consider them fully and sympathetically
- Recognise that raising a concern can be a difficult experience for some staff
- Seek advice from other colleagues/professionals where appropriate
- In situations where a student or staff member is believed to be at risk, staff should report their concerns urgently and managers should take urgent action

Where the issue can be acted upon, Managers should act promptly and notify the member of staff of the action taken. If it is not practicable or appropriate to act the staff member should be told of the reasons promptly including the action they can take if they are not satisfied with the decision. Managers who victimise or mistreat staff who seek to raise legitimate concerns may be subject to disciplinary action.

All Staff and Workers

Staff have a right and a duty to raise with their manager any concerns they may have about the delivery of care or services to students of the College. For professionally qualified staff, not reporting concerns may be a breach of their professional code of practice. In situations where a student or staff member is believed to be at risk, staff should report their concerns urgently and managers should take urgent action. Staff should also be aware of the importance of early intervention, that is, raising a concern even if the issue feels relatively minor as this can prevent situations escalating.

Staff also have a duty to safeguard all confidential information to which they have access: particularly information about students or staff, which in the majority of circumstances is strictly confidential. Unauthorised disclosure of personal information to anyone outside the College is a serious matter, which may warrant disciplinary action. This will apply even if an employee believes they are acting in the best interests of the student or other individual. Employees should also bear in mind that any disclosures, authorised or unauthorised, must always have the consent of the student concerned or their advocate.

Staff have an implied duty of confidentiality and loyalty to the College. However, this duty is not absolute. Individuals may claim they disclosed confidential information to the media in the public interest. If so, they should be prepared to defend their claim, which must be soundly based. It is in individuals' own interests to seek specialist advice before they take such a course of action, as failure to establish a public interest defence may result in a breach of this duty of confidentiality and thus make them liable to disciplinary action.

Staff must not victimise or mistreat other staff who have raised concerns. Victimisation or mistreatment of the person raising the concern (whistle blower) will lead to disciplinary action being taken.

4. Related Policies

- Young People and Adults at Risk Safeguarding Policy
- Data Protection Policy

Equality, Diversity and Inclusion Impact Assessment Initial Screening

Name of policy or service	Whistleblowing Policy
Author of impact assessment (name and job title)	Paula Powditch Vice Principal Finance and Resources
Date impact assessment completed	November 2022
Is this a new or reviewed policy or service?	<p>New policy/service <input type="checkbox"/></p> <p>Date of policy/service</p> <p>Reviewed policy/service <input checked="" type="checkbox"/></p> <p>Date of review November 2022</p>

Briefly describe the aims and purpose of the policy	This policy sets out the responsibilities of staff and workers when whistleblowing and raising issues and concerns. It also sets out the procedure that should be followed by staff who wish to informally or formally pursue their concerns
Who is intended to benefit from this policy and in what way?	Staff will benefit from having their legitimate concerns listened to and acted upon
What could contribute or detract from achieving the aims and purpose of the policy?	A culture that does not enable staff to raise their legitimate concerns, failure to listen and to act
What evidence or data has been collected and used to determine the impact on equality groups. Have any data gaps been identified.	None

		Comments / Evidence
Has consultation on this policy indicated any possible concerns or issues in relation to equality, diversity and inclusion?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is there an opportunity to promote equality of opportunity by this policy?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Potential impact on grounds of:

Race	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Disability	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Gender	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Gender reassignment/identity	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Age	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Sexual orientation	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Religion or belief	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Marriage and civil partnerships	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	
Pregnancy and maternity	Positive <input type="checkbox"/> Negative <input type="checkbox"/> No impact <input checked="" type="checkbox"/>	

If any potential negative impacts of this policy or service have been identified then a full equality impact assessment form should be completed.