

HR19 - Raising Concerns Whistle Blowing Policy

Policy Author	Director of HR & OD	Policy Owner:	Vice Principal Finance and HR
Approval Date:	July 2023	Review Date:	July 2025

Purpose of the Policy

The College is committed to the highest standards of integrity, openness and accountability and seeks to conduct its affairs in a responsible and transparent manner. In line with its commitment to the above the College is committed to the provision of a procedure to facilitate disclosures within the terms of the Public Interest Disclosure Act.

This policy sets out the procedure for raising a whistleblowing concern and the support and protection that is available to employees should they choose to do so. The document explains the procedure to be followed by staff who have concerns about aspects of the College's service, which they believe, may be subject to malpractice, fraud or unethical conduct.

If your concern relates to a personal grievance that is not in the public interest (for example, an allegation of bullying or harassment, or an allegation that your contract of employment has been breached), you should raise it under our separate grievance procedure.

The Public Interest Disclosure Act 1998 (PIDA), and subsequently the Enterprise and Regulatory Reform Act 2013, gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing information which is considered to be in the public interest. These procedures recognise those rights and ensure that, by following them, an individual will be 'protected' by the legislation.

In the case of concerns regarding fraud, this procedure applies and should be referred to in the first instance. However, cases regarding fraud will be dealt with via the College Fraud Policy.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

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1. Scope

- 1.1.** This policy applies to all employees and workers employed by Weymouth College. Other individuals, including our contractors, subcontractors, suppliers and volunteers are also encouraged to follow the procedure set out in this policy.
- 1.2.** The College acknowledges that a whistle blowing issue may arise from an individual not employed by Weymouth College. In this instance, and where an applicable written procedure does not exist, an agreed framework of actions and safeguards will be agreed with that individual, which parallels those in this document.

2. General Principles

- 2.1.** Whistleblowing is the act of reporting suspected wrongdoing or risk of wrongdoing relating to a qualifying disclosure (see 3.1.) It is not necessary for an employee to prove the wrongdoing. However, to be protected by whistleblowing laws against detrimental treatment or dismissal, the employee must reasonably believe that wrongdoing (related to one of the categories listed in 3.1) is being, has been, or is likely to be committed and that your disclosure is in the public interest.
- 2.2.** This procedure aims to resolve problems quickly, and as close as possible to the point of origin.
 - a) Where an individual discovers information, which he or she believes to show malpractice within the College, then this information should be disclosed without fear of reprisal, facilitated by this procedure.
 - b) Matters, which appear to be of a criminal nature, should be raised under this procedure but will be referred by College management to the appropriate outside body.
 - c) This procedure should be used where informal measures do not satisfy the member of staff's concerns.
 - d) At each stage of this procedure concerns will be investigated as a matter of urgency and the member of staff advised as to the outcome as soon as possible.
 - e) Any concern raised under this procedure will be taken seriously and will be fully and sympathetically considered. The nature of the complaint and the identity of the person raising it will be kept confidential as far as possible. All written responses will be sent to the individual's home address.
 - f) It is recognised that, for some staff, raising a concern under this procedure may be a daunting and difficult experience. Staff may choose to be accompanied or represented by their local trade union representative or a colleague at any stage of this procedure.
 - g) Staff, who express their views about aspects of the College's operation in accordance with this procedure, will not be penalised in any way for doing so. Harassment or victimisation of a member of staff using this procedure will be a disciplinary matter and is also an offence under the The Public Interest Disclosure Act 1998 (PIDA.) Further information regarding **PIDA** can be found on the [Government website.](#)

- h) Deliberately false, vexatious and/or malicious accusations or those aimed at obtaining a financial benefit from a disclosure will be dealt with under the disciplinary procedure.
- i) Individual members of staff of the College have an obligation to safeguard all confidential information to which they have access. Any permitted disclosure of confidential information must comply with the College's Policy and established procedures at all times.
- j) Once the disclosure has been made it may be retracted at any time. But the College reserves the right to proceed with the investigation by any other means at its disposal, and to take action in the light of its findings, even if the Discloser does not wish to proceed further.

3. Definintion of a qualifying disclosure

3.1. Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

If a worker is going to make a disclosure it should be made to the employer first, or if they feel unable to use the organisations procedure the disclosure should be made to a prescribed person, so that employment rights are protected.

The public interest disclosure procedure is not intended to cover complaints for which there are existing procedures unless it is in the public interest, for example:

- Disagreements about College policy.
- Matters of individual discipline
- Grievances
- Complaints about poor standards of service or mismanagement
- Harassment
- Equal opportunity complaints
- Complaints about standard of teaching and tuition

This list is not intended to be exhaustive.

3.2. All staff should feel able to raise concerns about poor or unsafe practice and potential failures in the College's safeguarding regime and know that such concerns will be taken seriously. These concerns should be raised with the College's Safeguarding Lead or Deputy Safeguarding Lead. Where a member of staff feels unable to raise an issue, the NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 from 8.00 am to 10.00 pm, Monday to Friday and email help@nspcc.org.uk.

3.3 For other education concerns please use the whistleblowing helpline available through Ofsted 0300 123 3155 whistleblowing@ofsted.gov.uk

- 3.4** For concerns relating to Qualifications and Examination regulations about matters in relation to exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009. whistleblowing@ofqual.gov.uk 0300 303 3344.

4 Protection for the Discloser

If the Discloser complies in full with this procedure, the Discloser will:

- a) Be protected as far as possible from their identity being revealed, although there may be occasions when the type of information revealed will be such that the identity of the Discloser can be inferred by others;
- b) Be protected from reprisal or unfair treatment attributable to the making of the disclosure;
- c) Be kept informed at all stages of the procedure;
- d) Fairness is ensured in that no person may make the initial assessment if they are themselves the subject of a public interest disclosure inquiry; or thought by the Discloser not to be impartial; or have a later part to play in the procedure;
- e) Be assured that any concerns raised of malpractice will be thoroughly but quickly investigated.
- f) These protections apply even if it is concluded that there is no action arising from a disclosure. In accordance with the Act, the protections apply, provided that: the Discloser makes the disclosure in good faith; and in the reasonable belief that the disclosure tends to show malpractice; and not maliciously or for personal gain. The procedure does not offer protection in the case of a vexatious or malicious disclosure.

5. Whistle Blowing Procedure

Stage 1

- a) If an employee has a genuine concern relating to any type of wrongdoing that is covered under this policy, it should raise it with their line manager (referred to as lead manager.) If the concern relates to an employee's line manager, or for any reason you do not wish to approach your line manager, you should raise your concern with a member of the senior leadership team or the Director for HR&OD.
- b) You can raise your concern orally, or in writing using use our Form in appendix 1 to raise a whistleblowing concern. It is important that you set out clearly:
 - the details of the suspected wrongdoing;
 - the names of any individuals involved; and
 - and what action (if any) you are seeking.
- c) In some cases, it may be necessary to arrange a meeting to clarify the nature of the concern. This will be arranged as soon as possible. Employees may, if they wish, bring a colleague or a trade union representative with them to the meeting. Where it is considered appropriate, a member of the HR&OD department may also be present.
- d) If the disclosure relates to the actions of the line manager the employee should report the disclosure to their SLT lead. If the disclosure relates to the actions of the SLT Lead the concern may be raised directly with the Principal as in Stage 2 below. If the

disclosure relates to the Principal, the concern should be raised with the Head of Governance.

- e) The written disclosure or meeting needs to establish clearly the basis for an investigation and will cover the following points:
- The nature of the disclosure
 - Any evidence
 - Why other College procedures are unsuitable
 - Names of those alleged to be involved in malpractice
 - Name of any person who in the opinion of the Discloser may be involved in the case or for some other reason would not be an impartial investigator
 - That the Discloser understands and is familiar with the College procedure for a public interest disclosure.
- f) The disclosure and allegations will then be investigated using an appropriate investigating manager (this may be the manager to whom the disclosure was made or another suitable manager within the College) and a written report with recommendations as to any further course of action required.
- g) The report will indicate the response of persons named in the disclosure. The report will not reveal the identity of the Discloser but on some occasions it may unavoidably contain information, which makes it possible for the identity of the Discloser to be inferred.
- h) The lead managers lead will confirm the outcome of the investigations to the Discloser as soon as it is practically possible. The outcome will normally be communicated verbally. In the event that the Discloser does not find the outcome satisfactory, he/she may refer to stage 2 of this procedure.

Stage 2

- a) If the Discloser is dissatisfied with the action recommended or taken, the Discloser must, within 10 working days, inform the Principal in writing, with reasons for their dissatisfaction and suggestions for an alternative course of action.
- b) The Principal (or Vice Principal in their absence,) will consider the report and evidence created at stage 1 of this procedure, investigate the matter further where necessary and consider the suggestions for alternative courses of action.
- c) The Discloser will receive a written response regarding the decision made as a result of the above as soon as it is practically possible.
- d) In the event of a complaint relating to the actions of the Principal, the matter should be raised under Stage 3 of this procedure.

Stage 3

- a) If the Discloser is dissatisfied with the action recommended or taken, the Discloser must, within 10 working days, inform the Head of Governance in writing, with reasons for their dissatisfaction and suggestions for an alternative course of action.
- b) A panel of Governors will consider the report and evidence created at stage 1 of this procedure and Stage 2 where applicable, investigate the matter further where necessary and consider the suggestions for alternative courses of action.

- c) The Discloser will receive a written response regarding the decision made as a result of the above as soon as it is practically possible.
- d) The decision by the panel of Governors arising from this appeal stage will be the final stage in the Colleges handling of a disclosure.

Definitions:	Lead Manager	Who Needs to Know?	All Employees
Related Policies and Procedures:	<ul style="list-style-type: none"> • College Fraud Policy • Public Interest Disclosure Procedure • Disciplinary Procedure • Public Interest Disclosure Act 1998 (PIDA) 	Approval Date:	July 2023
<p>This policy was approved and adopted by:</p> <p><i>Julia Howe</i></p> <p>Julia Howe Principal & CEO</p>			

Appendix 1 – Form for Raising a Whistleblowing Concern

Form for raising a whistleblowing concern

This form is intended for use by any individual working for Weymouth College (including contractors, workers and volunteers) who wants to raise a concern about wrongdoing.

This form should be used to report wrongdoing within the organisation that you believe is in the public interest.

If your concern relates to a personal complaint that is not in the public interest (for example, an allegation of bullying or harassment, or that your contract of employment has been breached), you should raise it under our separate grievance procedure or other relevant procedure. If you are unsure about whether your concerns are best dealt with under the whistleblowing policy or grievance procedure, please speak to the Director for HR&OD for further advice.

This form should be completed and delivered to your line manager in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line. If your concern relates to your line manager, or for any reason you do not wish to approach your line manager, you should send the form to the Director for HR&OD or a member of the College senior leadership team.

Once you have submitted this form, we will invoke the procedure set out in our whistleblowing policy. We will respect your wish for confidentiality as far as this is possible.

Formal whistleblowing concern

Name:	
Job title:	
Department:	
Date:	

Summary of your concern:

Please set out your concern with as much detail as possible, including the date, time, location, the identities of those involved in the wrongdoing and details of any witnesses. You may attach additional sheets if required.

Nature of your concern:

Please specify if your concern is about a potential: criminal offence; failure to comply with a legal obligation; miscarriage of justice; risk to the health and safety of an individual; damage to the environment; or attempt to cover up any of these.

Outcome requested:

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make any false allegations, this may result in disciplinary action being taken against me by the organisation.

Form completed by:

Signature:

For completion by the Weymouth College:

Date form received by the organisation:

Name of recipient and job role:

Signature: