

EMPLOYMENT POLICY: WHISTLEBLOWING

This policy is biennially reviewed to ensure compliance with current regulations

Approved/reviewed by	
Jen Durrant: Head of HR & Organisational Development	
Date of next review	August 2020

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability, Socio-Economic Disadvantage

1. **DEFINITION OF WHISTLEBLOWING**

The types of concern the procedure is designed to address include suspected fraud, financial irregularities, corruption, bribery, dishonesty, other criminal activities, acting contrary to the College's ethical standards and the creation of, or ignoring of, a serious risk to health, safety or the environment.

Whistleblowing does not include the raising of employees of grievances about their personal employment situation or other aspects of College affairs. The College has separate staff related policies which staff can refer to. These include a policy for Code of Professional Conduct for staff to raise concerns regarding conduct.

In drawing up this Whistleblowing Policy the College recognises the range of legislative requirements and in particular The Public Interest Disclosure Act 1998 which makes it unlawful to dismiss, discipline or victimise an employee who has made a protected disclosure in the public interest.

To qualify as a protected disclosure the employee must genuinely and in good faith believe that one of the concerns listed above is occurring, has occurred or may occur within the organisation.

2. **CONFIDENTIALITY**

An employee using the procedure will be entitled to have the matter treated confidentially, and not to have their name disclosed without their prior approval unless the provision of evidence in police or other formal proceedings requires disclosure.

3. **INVESTIGATION OF ALLEGATIONS**

An employee concerned about any matter falling within the categories listed in Section 1 should raise the matter with the Clerk to the Corporation. This designated person is Janet Hemmant. Responsibility for investigation shall rest with the Clerk to the Corporation except in cases where the allegation concerns the Clerk. In such cases the Principal will take responsibility for the investigation.

If there is any evidence of criminal activity, the matter will normally be put in the hands of the police.

No action will be taken which could jeopardise a police investigation.

In cases of suspected financial impropriety, the College will normally appoint its auditors to undertake an investigation.

If the employee is not satisfied that the matter has been properly dealt with by the Corporation, or if the allegation encompasses widespread involvement of

the Corporation, they shall have the right of access to an appropriate external body.

If you have an issue relating to Safeguarding a young person and / or a vulnerable adult you should get in contact with the Safeguarding Team. The designated Manager with lead responsibility for learner protection issues is: -

Dawn Telford, Head of Learner Services

For further details on Safeguarding please refer to the Safeguarding Learners policy.

If for any reason a staff member feels unable to raise an issue regarding safeguarding practices, the NSPCC Whistleblowing Helpline is available to staff
Tel No: 0800 028 0285.

4. PREVENTION

Prevention of malpractice is an important purpose behind some of the College's procedures.

External scrutiny contributes importantly to prevention. Bodies which subject the College to external scrutiny include: The DfES, the National Audit Office, the ESFA, the OFSTED Inspectorate, the OfS and the College's internal and external auditors.

In addition the College has formal financial and personnel procedures. These include the Financial Regulations and Memorandum, Human Resources Policies and Procedures, a Code of Ethics, a Code of Practice for Corporation members and Code of Professional Conduct for employees.

5. DISCLOSURE

Employees are subject to an implied contractual term of confidence and trust. Some Contracts of Employment also include specific confidentiality clauses. Breach of either of these conditions by engaging in unauthorised disclosure outside the College will normally be classed as gross misconduct.

6. PROTECTION FOR THE EMPLOYEE

In accordance with Public Interest Disclosure Act 1998, an employee will be protected from disciplinary action provided that: -

- a) they follow the whistleblowing procedure including the raising of any matter internally in the first instance, and
- b) that they act in good faith and not for personal gain or out of personal motives.

The employee will be supported by the College in that any undue conduct towards them by other employees will be taken seriously by management and dealt with accordingly.

If it is found that an employee has made an accusation which is deliberately false and malicious, this will be dealt with under the Disciplinary Procedure.

EQUALITY IMPACT ASSESSMENT

1.	What is the name of the policy?
	Employment Policy: Whistleblowing
2.	What is the aim of the policy?
	This policy outlines the procedure for employees to follow in relation to concerns relating to suspected fraud, financial irregularities, corruption, bribery, dishonesty, other criminal activities, acting contrary to the College's ethical standards and the creation of, ignoring of a serious risk to health, safety or the environment.
3.	Who does the policy impact on? <i>(Staff, Learners, Partners etc)</i>
	Staff Learners Partners Governors
4.	Who implements the policy?
	HR staff, managers and staff
5.	What information is currently available on the impact of this policy?
	<p><i>(This could include data that is routinely collected for this policy and/or minutes from management or team meetings. It could also include conversations with students and/or staff who have used the policy in their day-to-day role).</i></p> <p>Number of issues/concerns raised under this policy in relation to equality issues</p>

6.	Do you need more information before you can make an assessment about this policy? <i>(If yes, please put down what information you need and identify in the action plan, how you intent to collect it)</i>			
	No			
7.	Do you have any examples that show this policy is having a positive impact on any of the equality characteristics shown in the table?			
8.	Are there any concerns that this policy could have a negative impact on any of the equality characteristics shown in the table below?			
	Category	No	Yes	Please supply any additional comments
	Race	✓		
	Disability	✓		
	Gender	✓		
	Gender re-assignment	✓		
	Age	✓		
	Sexual orientation	✓		
	Religion/belief	✓		
	Pregnancy/maternity	✓		
	Marriage/Civil Partnership	✓		
	Socio-economic	✓		
	Rurality	✓		

Actions are to be taken as a result of the Equality Impact Assessment:			
Action Required <i>(clearly state where within existing management structures these actions will be performance monitored)</i>	Person responsible	Comp date	Review details – impact and outcome

Signed:	Position:	Date:
Jen Durrant	Head of HR and Organisational Development	August 2019
		Date EIA reviewed: