

## Whistleblowing Policy and Procedure

### 1. Introduction

- 1.1 Reaseheath College is committed to creating an open, transparent and safe working environment where workers feel able to speak up. The aim of this policy and procedure is to provide workers with a means for raising genuine concerns of malpractice or serious wrongdoing at the earliest practicable stage.
- 1.2 This policy and procedure provides safeguards to enable workers to raise concerns about malpractice or serious wrongdoing without fear of reprisal or adverse impact on their own position.
- 1.3 The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a whistleblowing 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 workers against vexatious allegations or allegations that are not well founded.
- 1.5 This policy and procedure is designed for the use of workers of the College. However, students and learners are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint in accordance with the complaints policies or passing on a concern in accordance with the safeguarding policies. These policies can be found on the College website.

### 2. What is whistleblowing?

- 2.1 Whistleblowing is the term used when a worker passes on information concerning malpractice or serious wrongdoing. This will typically be something they have witnessed at work.
- 2.2 To be covered by whistleblowing law, **a worker who makes a disclosure must reasonably believe both of the following:**
  - 2.2.1 That they are acting in the public interest (this means that personal grievances and complaints are not covered by whistleblowing law); and
  - 2.2.2 That the disclosure they are making tends to show past, present or likely future wrongdoing that falls into one or more of the following categories:
    - criminal offences (eg types of financial impropriety such as fraud);
    - failure to comply with an obligation set out in law;
    - miscarriages of justice;
    - endangering someone's health and safety;
    - damage to the environment;
    - covering up wrongdoing in the above categories.

- 2.3 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.
- 2.4 In this policy and procedure the process of whistleblowing by a worker is referred to as 'making a whistleblowing disclosure'.

### **3. Application of this policy and procedure**

- 3.1 This policy and procedure applies to all employees of the College, including apprentices; workers, which includes any casual workers; home-based casual workers; employees of subcontractors; and agency workers engaged by the College. This policy and procedure refers to all these types of employees and workers as 'workers'.
- 3.2 Workers 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 grievance procedure. Any worker in this situation is encouraged to approach the Director of People and Culture in confidence for advice.

### **4. Procedure for making a whistleblowing disclosure**

- 4.1 Information that a worker reasonably believes tends to show one or more of the situations given in Section 2 should promptly be disclosed to the Director of People and Culture so that any appropriate action can be taken.
- 4.2 If it is inappropriate to make such a disclosure to the Director of People and Culture, a worker can raise the issue with either of the Vice Principals.
- 4.3 If the disclosure relates to the Principal, a worker can raise the issue with the Company Secretary. In the event that the disclosure relates to the Company Secretary, a worker can raise the issue with the Chair of the Board of Governors of Reaseheath College.
- 4.4 Workers are encouraged to identify themselves when making a disclosure. This enables feedback to be provided to the worker on action taken because of the disclosure and to offer support to the worker if this is required.
- 4.5 If an anonymous disclosure is made, it will not be possible to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that it may be more difficult to investigate a concern and the action that can be taken will be limited. 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; and
  - How likely it is that the concern can be confirmed from attributable sources.
- 4.6 Workers are encouraged to provide evidence to support the disclosure. The College will still look into the concerns raised if no evidence can be provided, but the College will have difficulty investigating a concern without such evidence and the action that it is able to take will be limited.

4.7 For further guidance in relation to this policy and procedure or concerning the use of the whistleblowing procedure generally, workers should speak in confidence to the Director of People and Culture or the Company Secretary.

## **5. Procedure for investigation of a whistleblowing disclosure**

5.1 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within 10 working days.

5.2 The College will then determine whether it believes that the disclosure has sufficient merit warranting further action or is without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the decision and advised that no further action will be taken 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 a worker does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate procedure.

5.3 When a worker makes a disclosure that has sufficient substance or merit warranting further action, the College will take action it deems appropriate (including action under any other applicable policy or procedure). Possible actions could include internal investigation; referral to the College auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive, the Information Commissioner's Office or other sector regulators, as appropriate.

5.4 If appropriate, any internal investigation would be conducted by a manager of 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.

5.5 Any recommendations for further action made will be addressed to the Principal or Chair of the College's Board of Governors as appropriate in the circumstances, who will take all reasonable steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

5.6 The worker making the disclosure will be notified of the outcome of any action taken under this policy and procedure within a reasonable period. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal or Chair of the College's Board of Governors as appropriate within 10 working days of notification. The Principal or Chair of the College's Board of Governors will make a final decision on action to be taken and will notify the worker making the disclosure.

- 5.7 The investigation will be carried out as a priority but it is not possible to set specific timescales for different stages of the procedure, as different types of concerns will require varying time for investigation.
- 5.8 Written communications by the College to the worker making the disclosure will be sent to the worker's home address rather than through the College's internal mail or email. If investigations into the concern are prolonged, the College will keep the worker updated as to the progress of the investigation and an estimated timeframe for its conclusion.

## **6. Safeguards for workers making a whistleblowing disclosure**

- 6.1 A worker 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.
- 6.2 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 worker 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.
- 6.3 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against a worker where there are grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 6.4 A worker 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. Where a worker 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.
- 6.5 A worker who has entered into a settlement agreement with the College is not prevented from making a whistleblowing disclosure in the public interest. A worker in this situation who is contemplating making a whistleblowing disclosure may wish to seek independent legal advice.

## **7. Disclosure to external bodies**

- 7.1 This policy and procedure is intended to allow workers to raise disclosures internally within the College. A worker 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.
- 7.2 Workers 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 [www.gov.uk](http://www.gov.uk) website.
- 7.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 7.4 Workers seeking advice outside of the College must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

## 8. Accountability

8.1 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 College's Board of Governors, as appropriate.

## 9. Further assistance for workers

9.1 The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker 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, the Director of People and Culture or the Company Secretary.

9.2 A worker making a disclosure may want to confidentially request counselling or other support. Any such request for counselling or support services should be addressed to the Director of People and Culture. Such a request would be treated in confidence.

9.3 Workers can also contact the charity Protect for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House

244-254 Cambridge Heath Road

London E2 9DA

Whistleblowing Advice Line: 020 3117 2520, [Contact us - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

## 10. Linked policies

This policy and procedure should be read in conjunction with the following policies:

- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Code of Conduct for College Staff
- Dignity and Respect at Work Policy and Procedure
- Anti-Fraud and Corruption Policy
- Financial Regulations
- Young Person Safeguarding Policy
- Safeguarding Adults Policy

Version	4
Effective date	12 March 2020; reviewed March 2023
Next Review Date	March 2026
Lead	Company Secretary
Approved	Executive (25.02.20; 27.02.23) Audit Committee (12.03.20; 16.03.23)
Published	College Website (College Policies page), Staff Intranet, Student Intranet
Equality Analysis Review (if applicable)	September 2014
Changes on Review	Updates to September 2014 policy: Simplified wording by following model AoC whistleblowing policy. Incorporated government whistleblowing guidance (March 2015). Update February 2020 to include DART Limited as a Group Policy and updates to role titles and external organisation contact details. Update to staff titles May 2020; Update to staff title April 2022 and removal of references to subsidiary company.