



Whistleblowing Policy

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Whistleblowing Policy and Procedure

The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regulatory Reform Act 2013, protects a member of staff against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and that organisations have procedures in place to deal with the concern.

1. Introduction

- 1.1 Harlow College wishes to promote high standards of accountability, honesty and integrity and a culture of openness. Members of staff have an important role in helping to achieve these standards, acting responsibly in order to uphold the reputation of the College and to maintain public confidence and raising issues of concern in a responsible way. Harlow College is committed to operating in accordance with its values. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 Harlow College encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns internally in the first instance about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage staff members to raise genuine concerns through internal Harlow College procedures without fear of adverse repercussions being taken against them.
- 1.4 Staff members should not use this policy and procedure for personal complaints relating to their own circumstances, such as the way they have been treated at work. If such a case arises, the Grievance procedure should be used.
- 1.5 The principles of openness and accountability which underpin legislation protecting the whistleblower are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 Harlow College students are also encouraged to raise genuine concerns about suspected wrongdoing using the College's complaints procedure. This policy and procedure is designed for the use of staff members of the College.
- 1.7 This policy does not form part of any staff member's contract of employment and the policy may be amended at any time.

2. What is Whistleblowing?

- 2.1 Whistleblowing is when a report is made about suspected wrongdoing or dangers at work, which is in the public interest. This is referred to as making a disclosure in the public interest. A whistleblower is someone who raises a

genuine concern about wrongdoing or malpractice or danger so that problems can be identified and resolved quickly.

- 2.2 Staff members are encouraged to report concerns (whether by other employees, contractors or Governors). The person making the disclosure must have a reasonable belief that it is in the “public interest” for protection to apply under this policy.

3. Applicability of this Policy and Procedure

- 3.1 This policy applies to all staff members of the College. This includes apprentices, volunteers, interns, contractors, temporary employees and agency workers engaged by the College.
- 3.2 Staff 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 College’s grievance procedure. Any staff member in this situation is encouraged to contact a member of the Human Resources team in confidence for advice.

4. Protected Disclosures

- 4.1 Under the Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013 the law protects a member of staff who, out of a sense of public duty, wants to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a “protected disclosure”. In order to be a protected disclosure, a disclosure must relate to specific subject matter (see section 5 below) and must meet the following criteria:

- the procedure in this policy has been followed
- the employee has acted in the public interest and not for personal gain or out of personal motives
- it must consist of information and not merely be allegations of suspected malpractice.

- 4.2 Under no circumstances should staff members or members of the College talk to the media or to any other person or body without first exhausting the proper procedure.

5. Types of conduct

- 5.1 If, in the course of employment, a staff member becomes aware of information which they reasonably believe tends to show one or more of the following, they should report any concerns using this policy and procedure:
- That a criminal offence has been committed, is being committed or is likely to be committed;
 - That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject; for example in connection with PREVENT

- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual or safeguarding of learners or the public has been, is being, or is likely to be, endangered,.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5.2 This list is not intended to be exhaustive.

5.3 Complaints about disputes/dissatisfaction in employment should be dealt with under the Harlow College Grievance procedure.

5.4 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. Where a staff member 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 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

6. Procedure for Making a Disclosure

6.1 Information which a staff member reasonably believes to show one or more of the situations given in Section 5 should be disclosed promptly to their line manager so that any appropriate action can be taken.

6.2 If the matter is more serious, or if their manager has not addressed their concern or if it is inappropriate to make such a disclosure to their line manager for any reason, a staff member can raise the issue with their Head of Department or the Executive Director of HR.

6.3 If the disclosure relates to the Principal and Chief Executive, a staff member can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk to the Corporation, a staff member can raise the issue with the Chair of the Board of Governors.

6.4 The College hopes that staff will be comfortable with identifying themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in undertaking an investigation. If staff members wish to raise their concern confidentially, the College will make every effort to keep their identity secret and only reveal it where necessary to those involved in investigating their concern.

6.5 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Executive Director of HR or to the Clerk to the Corporation.

7. Procedure for Investigation of a Disclosure

- 7.1 When a staff member makes a disclosure, the College will acknowledge its receipt, in writing, normally within 5 working days.
- 7.2 The College will then determine whether or not further investigation is required. If the College considers that the disclosure does not warrant further action, the staff member will be notified in writing of the reasons for that decision and advised that no further action will be taken by the College under this policy and procedure. .
- 7.3 When a staff member makes a disclosure which warrants further action, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
- 7.4 If appropriate, any internal investigation would be conducted by a manager of Harlow College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.
- 7.5 The College will arrange a meeting with the staff member making the disclosure as soon as possible to discuss their concern. Staff members can bring a colleague or a trade union representative to meetings under this policy, but companions must respect the confidentiality of the disclosure and subsequent investigation.
- 7.6 Any recommendations for further action made as a result of the investigation will be addressed to the Principal as appropriate in the circumstances. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 7.7 The staff member making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chair of the Board of Governors within 10 working days. The Chair of the Board of Governors (or person nominated by them e.g. Chair of Audit Committee) will make a final decision on action to be taken and notify the staff member making the disclosure.

8. Safeguards for Employees Making a Disclosure

- 8.1 A staff member making a disclosure under this procedure can normally 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.
- 8.2 Harlow 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 staff member 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.

- 8.3 No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure.
- 8.4 A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Harlow College for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by Harlow College against the colleague in question.
- 8.5 If the College concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

9. Disclosure to External Bodies

- 9.1 This policy and procedure has been implemented to allow staff members to raise disclosures internally within Harlow College. A staff member may have the legal right to make a disclosure outside of the College in certain circumstances.
- 9.2 The College would encourage staff members to report their concerns internally in the first instance. The College strongly encourages staff members to seek advice before reporting a concern to any third party. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Their details are at the end of this policy. If a staff member seeks advice outside of the College, they must be careful not to breach any confidentiality obligations.
- 9.3 The Prescribed Persons Order 2017 sets out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with their sector, often as a regulatory body. An up-to-date list can be found here:
www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies.

10. Accountability

- 10.1 Harlow 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 Governing Body as and when appropriate.

11. Further Assistance for Staff

- 11.1 Harlow College will not tolerate any harassment or victimisation of staff members who make disclosures. If, at any stage of this procedure a staff member 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 Executive Director of Human Resources or the Clerk to the Corporation.
- 11.2 A staff member making a disclosure may want to request counselling or other support from the College. Any such request for counselling or support services should be sought from the Human Resources Department and will be dealt with confidentially.
- 11.3 For confidential advice on whistleblowing issues, staff can also contact the following:-

Public Concern at Work.
3rd Floor, Bank Chambers
6 - 10 Borough High Street
London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<http://www.pcaw.org.uk>

TRACKING and REFERENCE INFORMATION

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Author/Responsibility: Clerk to the Corporation

Equality Impact Assessment:

List of related policies, procedures and other documents:

Complaints Procedure
Equality & Diversity Policy
Equality and Diversity Scheme
Grievance Procedure
Guidelines for Managers: handling grievance issues
Guidelines for staff on avoiding false accusations (folder: 'Guiding Principles')
Data Protection Policy
Safeguarding Policy
Disciplinary Policy & Procedure
Guidelines for Managers – Disciplinary Policy

Complaints: If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.

Monitoring: The application of this policy and associated procedure will be monitored by HR Services

Easy reading: To receive this policy/procedure in a different format, please contact HR Services