



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 that are in the public interest.
- 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 are 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 without advance notice.

2. Applicability of this Policy and Procedure

- 2.1 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.

- 2.2 Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or 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.

3. What is Whistleblowing?

- 3.1 Whistleblowing is the disclosure of information about suspected wrongdoing or dangers at work, which is 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. A whistleblowing complaint may relate to one or more of the following:

- 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 or professional 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.

This list is not intended to be exhaustive.

4. Procedure for Making a Disclosure

- 4.1 Staff should raise any concerns they have under this policy promptly to their line manager in the first instance so that any appropriate action can be taken.
- 4.2 However, 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 Service/Academy or the Executive Director of Human Resources.
- 4.3 If the disclosure relates to a Senior Postholder (the Principal and Chief Executive or the Deputy Principal), a staff member can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance, a staff member can raise the issue directly with the Chair of the Corporation.
- 4.4 The College hopes that staff will be comfortable with identifying themselves when making a disclosure and steps will be taken to preserve confidentiality. 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 may have difficulty in undertaking an investigation and/or establish whether the complaint is credible. It is for those reasons that we do not encourage staff to make disclosures anonymously. 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 – for example, to those involved in investigating their concern.

- 4.5 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 Head of Governance.

5. Procedure for Investigation of a Disclosure

- 5.1 When a staff member makes a disclosure, the College will acknowledge its receipt as soon as reasonably practicable.
- 5.2 The College will arrange a meeting with the staff member making the disclosure as soon as possible to discuss their concern. The member of staff may be required to attend additional meetings in order to provide further information. 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.
- 5.3 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.
- 5.4 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. 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.
- 5.5 We will aim to keep the member of staff who raised the concern informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation should be treated as strictly confidential.
- 5.6 While we cannot always guarantee a particular outcome, the College will try to deal with the concern raised fairly and in an appropriate way. 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 (or person nominated by them if the complaint was originally handled by the Chair). 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.

6. Safeguards for Employees Making a Disclosure

- 6.1 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.
- 6.2 A staff member must 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 genuine 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.
- 6.3 However, if the College concludes that a member of staff has made false allegations maliciously or with a view to personal gain, the individual may be subject to disciplinary action.

7. Disclosure to External Bodies

- 7.1 This policy and procedure has been implemented to allow staff members to raise disclosures internally within Harlow College. In most cases staff should not find it necessary to alert anyone externally. However, a staff member may have the legal right to make a disclosure outside of the College – for example, to a regulator – in certain circumstances. It will very rarely, if ever, be appropriate to alert the media.
- 7.2 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.
- 7.3 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
- 7.4 The College strongly encourages staff members to seek advice before reporting a concern to any third party. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed

regulators for reporting certain types of concern. Their details are at the end of this policy.

8. Accountability

- 8.1 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.

9. Further Assistance for Staff

- 9.1 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 Head of Governance.
- 9.2 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.
- 9.3 For confidential advice on whistleblowing issues, staff can also contact the following:

Protect
The Green House
244-254 Cambridge Heath Road
London E2 9DA

Whistleblowing Advice Line: 020 31172520

<https://protect-advice.org.uk>

TRACKING and REFERENCE INFORMATION

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Author/Responsibility: Head of Governance

Equality Impact Assessment: TBA

List of related policies, procedures and other documents:

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