

Reference Number: P19

# WHISTLEBLOWING POLICY AND PROCEDURE



Policy Review				
Authors Gillian Keogh  Rachel Gage	Position Governance Professional (Clerk to the Corporation).  Head of HR	Approved by Corporation    Signed: Chair of Corporation	Approval date  30/03/2023	Review date (Annually)  30/03/24

## Document Control – Revision History

Author/Owner	Summary of Changes	Date	Date last reviewed by SED	Version	Recommend to SED Y/N
Steve Chattell/Jo Farrant	Reviewed but no updates required.	07.03.18	24.02.16		N
Rachel Gage and Gillian Keogh	Change of Author and position	09.03.21			N
Rachel Gage	Reviewed but no updates from a HR perspective	09.03.21			N
Rachel Gage and Gillian Keogh	Policy and Procedure documents merged and re-written with support of a solicitor appointed by the Corporation	30.03.23		V1	N

## Initial Equality Impact Screening

Has anyone else been consulted on this policy and/or procedure? Eversheds Sutherland Solicitors

What evidence has been used for this impact screening (e.g. related policies, publications)? Solicitor provided the screening.

Declaration (please tick one statement and indicate any negative impacts)

- I am satisfied that an initial screening has been carried out on this Policy and/or Procedure and a full Equality Impact Assessment is not required. There are no specific negative impacts on any of the Protected Characteristics groups.
- I recommend that an Equality Impact Assessment is required by the Equality and Diversity group, as possible negative impacts have been identified for one or more of the Protected Characteristics groups as follows:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage & civil partnership
- Pregnancy & maternity

Completed by: Gillian Keogh Position: Clerk 23/03/23

Reviewed by Equality & Diversity Group: NO If Yes: Date: N/A

I confirm that any recommended amendments have been made.

Summary of Comments including Recommendations from Equality & Diversity Group Review:

## 1. Purpose and Scope

- 1.1 The college takes malpractice very seriously. We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards too. However, all organisations face the risk of things going wrong or unknowingly harbouring malpractice. We encourage open communication from all those who work for the college, and we want everyone to feel secure about raising concerns.
- 1.2 All college staff have protection under whistleblowing laws if they raise concerns in the correct way. The college hopes that individuals will feel comfortable raising issues with their managers informally. Should they not feel comfortable doing this for any reason, this policy is designed to give staff opportunity to formally raise concerns. The purpose of this policy is to:
- 1.2.1 Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
  - 1.2.2 Provide staff with guidance as to how to raise those concerns.
  - 1.2.3 Reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.3 Staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice. It does not matter if an individual who raises a concern is mistaken about it.
- 1.4 This policy can be used by all employees, officers, governors, consultants, contractors of the college and to other workers including agency workers, casual workers, volunteers and home workers.
- 1.5 This policy does not form part of any contract of employment and the college may amend it at any time.

## 2. What is whistleblowing?

- 2.1 Whistleblowing is the reporting of suspected malpractice, wrongdoing, or dangers in relation to the college's activities. This may include:
- 2.1.1 Criminal offences which have been or are about to be committed.
  - 2.1.2 Miscarriages of justice which have occurred, are occurring or are likely to occur.
  - 2.1.3 Danger to the health and safety of any individual.
  - 2.1.4 Damage to the environment that has occurred or is likely to occur.
  - 2.1.5 Breach of any legal or professional obligation that has occurred or is likely to occur; or
  - 2.1.6 Deliberate concealment of any of the above that has occurred or is likely to occur.

### 3. **When to use this policy**

#### 3.1 Equality and Human Rights Commission: What is a whistleblower? Definition:

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work – though not always.

The wrongdoing you disclose must be in the public interest. Whether it is in the public interest will depend on:

- the number of people affected
- the nature and impact of the wrongdoing
- who the wrongdoer is

Generally, this means that the concern must have an impact that is wider than one employee's personal circumstances.

As a whistleblower you are protected by law. You should not be treated unfairly or lose your job because you 'blow the whistle'.

#### 3.2 There is a difference between whistleblowing and raising a grievance:

3.2.1 Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens employees, students, third parties or the public generally; but

3.2.2 A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

#### 3.3 If an employee has a complaint about their own personal circumstances, then they should raise it under the college's Disciplinary and Grievance Policy.

### 4. **Our guarantee**

4.1 The college is committed to the principles set out in this policy. If an employee uses this policy to raise a concern the college gives them its assurance that they will not suffer any form of retribution or detrimental treatment. The college will treat their concern seriously and act according to this policy.

4.2 If an individual asks for a matter to be treated in confidence, the college will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with the individual's consent.

### 5. **Procedure for raising a concern**

5.1 If an individual is concerned about any form of malpractice covered by this policy, the individual should raise the issue with the Governance Professional (Clerk to the Corporation) who will refer the matter to the appropriate person.

5.2 If concerns relate to the Governance Professional or the individual has any other reservations about informing the Governance Professional, they should raise the matter with the Chair of the Corporation.

5.3 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although the individual is not expected to prove the truth of their

concern beyond doubt or provide evidence, the individual will generally need to provide the following information as a minimum:

5.3.1 The nature of the concern and why the individual believes it to be true; and

5.3.2 The background and history of the concern (giving relevant dates where possible).

5.4 An individual may wish to consider discussing their concern with a colleague before raising it formally under this policy but remember that once an individual has raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

## 6. **Responding to concerns raised**

6.1 The college is committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally.

6.2 The college will arrange a meeting as soon possible to discuss the concern raised. The individual may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. The college may ask the individual for further information about the concern raised, either at this meeting or at a later stage.

6.3 After the meeting, the college will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. The college will endeavour to complete investigations within a reasonable time.

6.4 The college will keep the individual who raised the concern informed of the progress of any investigation carried out and, where possible, give an indication of any actions or next steps that the college intends to take. The college will not be able to inform the individual of any matters which would infringe any duty of confidentiality owed to others.

6.5 Concerns which have been expressed completely anonymously are much less powerful and are difficult to investigate. The college will consider them at its discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

## 7. **Confidentiality**

7.1 All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of an individual who raises a concern if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the help of the individual who raised the concern, so the individual may be asked to come forward as a witness. If they agree to this, they will be offered advice and support.

7.2 The college hopes that all staff will feel able to voice their concerns openly under this policy. Although a concern may be made anonymously, the college encourages individuals to put their name to their allegation whenever possible. If this is not done,

it will be much more difficult for the college to protect the individual's position and/or to give feedback on the outcome of investigations.

## **8. Raising your concern externally (exceptional cases)**

8.1 The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. The college expects that in almost all cases raising concerns internally will be the most appropriate course of action.

8.2 If for whatever reason, an individual feels they cannot raise their concerns internally and they reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for them to raise the matter with another prescribed person, such as a regulator or professional body. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available on the GOV.UK website at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

8.3 The NSPCC whistleblowing helpline is available for individuals who do not feel able to raise concerns regarding safeguarding/child protection failures internally. See paragraph 11 below.

8.4 The college strongly encourages any individual to seek appropriate advice before reporting a concern to anyone externally. Protect (formerly known as Public Concern at Work) is the UK's whistleblowing charity and aims to stop harm by encouraging safe whistleblowing. It is a source of further information and advice on whistleblowing matters. See paragraph 11 below. Individuals may also want to seek advice from a trade union or a legal adviser.

## **9. Protection and support for those raising concerns**

9.1 The college is committed to good practice, high standards and being supportive of staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

9.2 Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If an individual believes that they have suffered or are likely to suffer such treatment, they should inform the Governance Professional immediately. If the matter is not dealt with to the individual's satisfaction, an employee may raise it formally using the college's Disciplinary and Grievance policy.

9.3 No member of staff must threaten or retaliate against an individual who has raised a concern and the college will not tolerate any such action. Any person involved in such conduct is liable to be subject to formal disciplinary action.

## **10. Concerns raised inappropriately**

10.1 To ensure the protection of all our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest may be liable to formal disciplinary action.

11. **Further information and contacts**

11.1 If you have any queries about the application of this policy, please contact the Governance Professional in the first instance.

11.2 The relevant contact details are as follows:

<b>Governance Professional (Clerk for the Corporation)</b>	Gillian Keogh [Mobile] 07368198428 <a href="mailto:Gillian.Keogh@yeovil.ac.uk">Gillian.Keogh@yeovil.ac.uk</a>
<b>Protect</b> (Independent whistleblowing charity)	Helpline: 020 3117 2520 Website: <a href="https://protect-advice.org.uk">https://protect-advice.org.uk</a>
<b>NSPCC whistleblowing helpline</b>	Helpline: 0800 028 0285 Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>