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Whistleblowing Policy

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1. INTRODUCTION

1.1 The College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide you with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

1.2 The College encourages you to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable you to raise concerns about malpractice in connection with the College.

1.3 This policy and procedure also aims to encourage you to raise genuine concerns through internal

College procedures without fear of adverse repercussions being taken against you. The law allows you to raise such concerns externally and this policy informs you how you can do so. However, a failure to raise a concern under this procedure may result in a 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 which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Assistant Principal (Support for Students).

2. PURPOSE

To provide a comprehensive policy in relation to Whistleblowing. This policy is a formal acknowledgement of the commitment of the College to the highest standards of quality, probity, openness and accountability.

3. SCOPE

This policy applies to all our employees, officers, consultants, contractors and to other workers including agency workers, casual workers, volunteers, interns and home workers. This policy also applies to Richard Huish College Corporation Governors and Richard Huish College Foundation Trustees.

4. WHEN TO USE THIS POLICY

4.1 There is a difference between whistleblowing and raising a grievance:

4.1.1 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 students, third parties or the public generally; but

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

4.2 This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use our Grievance Procedure in the first instance.

4.3 Any staff member requiring clarification on when to use this policy is encouraged to approach either the HR Director T: 01823 320871 or the Clerk to the Corporation in confidence for advice T: 01823 320942.

This policy complies with the Public Interest Disclosure Act 1998, as amended by the Courts from time to time.

5. MALPRACTICE COVERED BY THIS POLICY

5.1 Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the activities the college undertakes. The kinds of malpractice covered by this policy include:

- 5.1.1 criminal offences, including those in relation to bribery and corruption and tax evasion facilitation;
- 5.1.2 miscarriages of justice;
- 5.1.3 danger to the health and safety of any individual;
- 5.1.4 damage to the environment;
- 5.1.5 breach of any legal or professional obligation, including those in relation to bribery and corruption and tax evasion facilitation;
- 5.1.6 deliberately concealing any of the above.

6. OUR GUARANTEE

- 6.1 We are committed to the principles set out in this policy. If you use this policy to raise a concern, we give you our assurance that you will not suffer any form of retribution or detrimental treatment. We will treat your concern seriously and act according to this policy.
- 6.2 If you ask for a matter to be treated in confidence, we will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with your consent.

7. PROCEDURE FOR RAISING A CONCERN

- 7.1 If you are concerned about any form of malpractice covered by this policy, you should normally raise the issue with your immediate superior. If you feel you cannot tell your immediate superior, for whatever reason, you should raise the issue with *[the Clerk to the Corporation or the HR Director]*.
- 7.2 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide, as a minimum, details of the nature of the concern and why you believe it to be true, and the background and history of the concern (giving relevant dates where possible).
- 7.3 You may wish to consider discussing your concern with a colleague or trade union supporter before raising it formally under this policy but remember that once you have raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

8. RESPONDING TO CONCERNS RAISED

- 8.1 We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. We will arrange a meeting as soon possible to discuss the concern raised. You may bring a colleague or trade union supporter to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.
- 8.2 After the meeting, we 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. We will endeavour to complete investigations within a reasonable time.

- 8.3 We will keep you informed of the progress of the investigation carried out and when it is completed, and give you an indication of timings for any actions or next steps that we will take, but we cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

9. CONFIDENTIALITY

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

- 9.2 We hope that all staff will feel able to voice their concerns openly under this policy. Although a concern may be raised anonymously, we encourage you give your name when reporting your concern whenever possible. If this is not done, it will be much more difficult for us to protect your position or to give feedback on the outcome of investigations. Concerns that are expressed completely anonymously are also much less powerful and are difficult to investigate.

10. RAISING YOUR CONCERN EXTERNALLY (EXCEPTIONAL CASES)

- 10.1 The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. We would expect that in almost all cases raising concerns internally would be the most appropriate course of action.

- 10.2 If for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator (e.g. Ofsted/Department for Education/Education and Skills Funding Agency) or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect (formerly known as Public Concern at Work) (see **Clause 12**), Further information and contacts, below) and on the GOV.UK website at:

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

- 10.3 We strongly encourage any individual to seek appropriate advice before reporting a concern to anyone external. Protect (formerly known as Public Concern at Work) is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and operate a confidential helpline. See **Clause 12**, further information and contacts, below.

11. PROTECTION AND SUPPORT FOR THOSE RAISING CONCERNS

- 11.1 We are committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

- 11.2 Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If you believe that you have suffered such treatment, you should inform the Clerk or HR Director immediately. If the matter is not dealt with to your satisfaction, you should raise it formally using our Grievance Procedure.

- 11.3 No member of staff must threaten or retaliate against an individual who has raised a concern and we will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action and in some cases will be liable to a claim for compensation brought against them personally.
- 11.4 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 will also be liable to disciplinary action.

12. FURTHER INFORMATION AND CONTACTS

12.1 If you have any queries about the application of this policy, please contact RHC HR Director T: 01823 320871 in the first instance.

12.2 Relevant regulators may include:

Name of regulator

Her Majesty's Chief Inspector of Education,
Children's Services and Skills

Contact details

The Chief Inspector Ofsted Piccadilly Gate Store Street
Manchester M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

Secretary of State for Education/Education
and Skills Funding Agency

Ministerial and Public Communications Division
Department for Education Piccadilly Gate Store Street
Manchester M1 2WD
Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe

The Health and Safety Executive

Tel: 0300 003 1647
Online form: www.hse.gov.uk/contact/concerns.htm

12.3 Protect (formerly known as Public Concern at Work) is a source of further information and advice at www.pcaw.co.uk. It also provides a free helpline offering confidential advice on 020 7404 6609.

13. OTHER RELATED POLICIES/DOCUMENTS

Safeguarding and Child Protection Policy
Equality and Diversity Policy
Anti- Fraud and Anti-Bribery Policy
Staff Grievance and Staff Disciplinary Procedure
Prevention of Harassment at Work Policy
Complaints Procedure

and it may be useful to consult those policies in conjunction with this policy.