



Whistleblowing Policy & Procedure

| | |
|-----------------------------|---|
| Procedure name: | Whistleblowing |
| Procedure reference: | Pro-WB-HR |
| Created by: | Director of Human Resources and Administration |
| Approved by: | Principal/Chief Executive |
| Date of last review: | May 2021 |
| Date of next review: | May 2022 |
| Revision number: | 15 |

This document is available in other formats including audio, Braille and other languages. The same applies to all material which is referenced within in it. For further assistance, please contact the Quality Department on 01925 494645 or email quality@wvr.ac.uk



Contents

| | |
|---|---|
| 1. Introduction..... | 3 |
| 2. Scope | 3 |
| 3. Procedure for Raising Concerns (Whistle Blowing) | 4 |
| 4. Malicious Accusations | 5 |
| 5. Report..... | 6 |
| 6. Further assistance for staff | 6 |

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 staff with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages staff to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other staff against vexatious allegations or allegations which are not well-founded.
- 1.4 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.
- 1.5 A whistleblower is defined as someone who reports waste, fraud, abuse, corruption, or dangers to public health and safety to someone who is in the position to rectify the wrongdoing.

2. Scope

The Public Interest Disclosure Act 1998 provides legal protection to workers against being dismissed or otherwise disciplined as a consequence of raising, serious concerns which they have reasonable grounds indicating malpractice or wrongdoing within the organisation.

These procedures are intended to cover concerns that are in the public interest provided they are made lawfully and without malice. Such concerns may include:

- criminal activity
- financial malpractice, impropriety or fraud
- failure to comply with legal obligations
- serious danger to health, safety and the environment
- professional malpractice
- improper conduct or ethical matter
- academic or professional malpractice
- abuse or misuse of College property
- attempts to conceal any of the above

Where such concerns have been raised in the public interest through this procedure, individuals will not be subjected to detriment as a result of the disclosure.

The College has a separate grievance procedure for staff wishing to raise matters relating to their individual treatment and contracts of employment. Matters which are

proper to the grievance procedure will not be considered under the Public Interest Disclosure Procedures.

3. Procedure for Raising Concerns (Whistle Blowing)

In the event an individual has a legitimate cause for concern regarding matters identified in Section 2 above:

- 3.1. They should normally raise this matter verbally, or in writing, with the Director of Human Resources. If the disclosure relates to the Director of Human Resources, the individual should raise the matter with the Principal/Chief Executive. If the disclosure relates to the Principal/Chief Executive, the individual should raise the matter with the Chair of the Corporation via the Clerk to the Corporation, in the first instance.
- 3.2 Any disclosure shall, wherever possible be in writing, but if this is not practicable, any such disclosures may be oral at the choice of the Discloser. The Discloser should provide as much supporting written evidence as possible about the disclosure and the grounds for believing that there has been malpractice.
- 3.3 Individuals are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be 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 investigating such a concern. 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; and
 - How likely it is that the concern can be confirmed from attributable sources.
- 3.4 The individual will not be identified in any oral or written report unless they give their prior approval.
- 3.5 A full note outlining the nature of the concern, however, will be made by the person hearing it, but this will not include the individual's name, unless consent is given for this to happen.
- 3.6 The Director of Human Resources or Principal/Chief Executive will deal with the concern and make preliminary enquiries to determine whether a full investigation is required.

Should a full investigation be required, then the matter will either:

- be investigated internally by the appointment of an investigation officer or;
- referred to the appropriate external body e.g. police/professional bodies, subject to any legal constraints.

Investigation

If a full investigation is required, the Investigating Officer will offer to interview the Discloser in confidence, such interview to take place as soon as practicable (normally within ten working days) after the initial disclosure.

The purpose of the interview will be for the Investigating Officer to obtain as much information as possible from the Discloser about the grounds of the belief of the malpractice and to consult with the Discloser about further steps which would be taken.

The Discloser may be accompanied at the interview by:

- a trade union representative or
- a work colleague.

The employee making the disclosure will usually be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving the employee specific details of the investigation or any disciplinary action taken as a result. Employees should treat any information about the investigation as confidential.

All communications with the employee making the disclosure will be in writing and sent to the employee's home address.

There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:

- The College is satisfied that the individual does not have a reasonable belief that suspected malpractice is occurring; or
- The matter is already the subject of legal proceedings or appropriate action by an external body; or
- The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

Access to the Governing Body

In the event the individual who has raised a concern feels that the matter is not being dealt with appropriately, they may raise it with the Chair of the Audit Committee within 10 working days.

4. Malicious Accusations

No disciplinary action will be taken against a Discloser on the grounds of a disclosure made by the Discloser in accordance with this procedure. However, this will not prevent the College from bringing disciplinary action in cases where there are grounds to believe that the disclosure that has been made is malicious or vexatious or where an external disclosure had been made without reasonable grounds or has been made to someone other than to an appropriate authority.

An employee 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. Equally, where an employee 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.

In the event that deliberately false and malicious accusations are raised, individuals may be subject to disciplinary proceedings being brought against them.

5. Report

A written report concerning each disclosure and any subsequent action taken will be made by the Designated Person to the Chairman of Board of Governors in order that the Chairman may seek to assure the Board that disclosures made under this Procedure are dealt with appropriately.

6. Further assistance for staff

Should staff feel that they have been treated unfairly as a result of whistleblowing they can contact the charity Protect (formerly Public Concern at Work) for confidential advice:

The Green House
244-254 Cambridge Heath Road
London E2 9DA
Whistleblowing Advice Line: 020 3117 2520
<https://protect-advice.org.uk/>



Whistleblowing Policy & Procedure
Equality Impact Assessment

| | |
|----------------------|-----------------------------------|
| Policy Title: | Whistleblowing Policy & Procedure |
|----------------------|-----------------------------------|

| | |
|---------------------------------------|--|
| Identify the Key Stakeholders: | <ul style="list-style-type: none"> • Staff. • Workers. |
|---------------------------------------|--|

| What is the impact on the following: | Key Characteristics | Impact |
|---|---------------------------------------|---|
| | Age | (1) A positive impact is intended and very likely |
| | Disability | (1) A positive impact is intended and very likely |
| | Sex | (1) A positive impact is intended and very likely |
| | Racial group | (1) A positive impact is intended and very likely |
| | Religion and belief | (1) A positive impact is intended and very likely |
| | Sexual orientation | (1) A positive impact is intended and very likely |
| | Gender re-assignment | (1) A positive impact is intended and very likely |
| | Pregnancy and maternity | (1) A positive impact is intended and very likely |
| | Marriage and civil partnership | (1) A positive impact is intended and very likely |

| | Please tick | | | |
|--|-------------|--------------------------|----|-------------------------------------|
| Have any additional safeguarding risks been identified? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Any major changes or adjustments required: | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Stop and remove: | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

Actions to be addressed:



Whistleblowing Policy & Procedure

| Action | To be completed by | Target Date | Completed (Y/N) |
|--------------------------------------|--------------------|-------------|-----------------|
| Monitoring of Whistleblowing claims. | HR | July 2021 | |
| Raise staff awareness of the Policy. | HR | July 2021 | |
| | | | |
| | | | |

Validated by the Equality & Diversity Committee

Date:

**If applicable, actions completed and validated by the
Equality & Diversity Committee**

Date: