



# Whistleblowing Policy and Procedure

---

2023-24

Alison Buick

Review Date: February 2024

## 1. Introduction

- 1.1 City of Wolverhampton College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as staff in this policy) with a means for raising 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 concerns about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage staff to raise genuine concerns through College procedures without fear of adverse repercussions being taken against them. The law allows staff to raise such concerns externally and this policy informs staff how they 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 staff 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 via the College's complaints procedure. This policy and procedure is designed for the use of staff of the College.
- 1.7 Whistleblowing is when an individual reports an issue that impacts on the wider public or college community. Whistleblowing does not include grievances about an individual's personal employment or learning situation or for furthering any private dispute. This procedure is not designed to generally question financial or business decisions taken unless these decisions fall within the above definition. It may not be used to consider any matters which should be addressed under other existing procedures or used to reconsider any matters that have already been addressed under those procedures.
- 1.8 This procedure should be used if you discover serious malpractice or impropriety within the college. If you are unsure whether the practice you have discovered is deemed serious malpractice you may wish to seek the confidential advice of the independent charity 'Protect'.

Some examples of serious malpractice may include;

- Fraud
- Financial Irregularities

- Corruption
- Bribery
- Dishonesty
- Criminal activity or failing to comply with a legal obligation
- Creating or ignoring a serious risk to health and safety
- Misuse of college resources
- Academic misconduct
- Discrimination or harassment
- Environmental violations.

1.9 This policy should be read in conjunction with the college's Financial Regulations and Gifts/Hospitality policy.

## **2 Applicability of this policy and procedure**

2.1 This policy applies to all employees of the College including apprentices; and

2.2 Workers which includes any casual workers and employees of subcontractors, and

2.3 Agency workers engaged by the College. For the purposes of this policy all employees and workers will be referred to as "staff".

2.4 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 member of staff in this situation is encouraged to approach the Head of Governance in confidence for advice.

## **3 Protected disclosures**

3.1 The law protects employees who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

3.2 The law allows employees to raise what it defines as a "protected disclosure". In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A "protected disclosure" must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

## **4. Specific Subject Matter**

If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use 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, or is failing, or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur;

- That the health or safety of any individual 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

Complaints about disputes/dissatisfaction in employment should be dealt with under the College grievance procedure

## 5 Procedure for making a disclosure

- 5.1 Information which a member of staff reasonably believes tends to show one or more of the situations given in Section 4 should be disclosed to the Head of Governance (who is the College's Designated Assessor for the purposes of this policy and procedure) either verbally or in writing. In the event that the disclosure relates to the Head of Governance a member of staff can raise the issue with the Chair of the Board of Governors (through the Principal's office).

If you have reason to believe that the Chair or Vice Chair of the Board may be implicated, then you should contact the Chair of the Audit Committee.

Those notified of a concern:

- Have a responsibility to ensure that concerns raised by a disclosure are taken seriously.
- Should where appropriate investigate properly and make an objective assessment of the concern.
- Should keep the discloser advised of progress; and
- Have a responsibility to ensure that the action necessary to resolve a concern is taken.

- 5.2 As part of the College's Employee Assistance Scheme, we do have a separate Whistleblowing line. This is confidential service available 24/7. Calls are answered by trained professionals where possible (between 8.30am and 8pm Monday to Friday). Calls outside of these hours are recorded on a secure dedicated voicemail facility. All calls received will be reported to the College as per 5.1 above within one working day of the call being received. This number is **0800 116 390**.

- 5.3 Staff are encouraged to identify 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 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;

- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

5.4 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 Head of Governance .

## 6 Procedure for investigation of a disclosure

6.1 When a member of staff makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.

6.2 The College will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the member of staff will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the College is satisfied that the member of staff does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate College procedure

When a disclosure that has sufficient substance or merit is made, the Head of Governance will inform the Principal/CEO (unless the matter raised involves the Principal/CEO) and the Chair of the Board by confidential letter or email.

6.3 When a member of staff makes a disclosure which has sufficient substance or merits warranting 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.

6.4 The Head of Governance shall ensure that the concern is fully investigated as quickly as possible. If appropriate, any internal investigation would be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.

The Head of Governance will notify the person raising the concern who has been appointed to investigate the disclosure. They will be kept informed of the progress of the investigation, the outcome and any proposed action.

6.5 The Head of Governance may call upon the support of senior colleagues, the Governing Body or legal advice where appropriate.

- 6.6 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the Board of Governors as appropriate in the circumstances. The recipient will take all steps within their power to ensure that the recommendations are implemented unless there are good reasons for not doing so.
- 6.7 The member of staff 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 member of staff 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, (if the Chair has not already been involved in the investigation concerned, (through the Principal's office) within 7 days of the date of the outcome letter. If the Chair of the Board of Governors has been involved in the investigation concerned, the appeal against the outcome will be to the Special Committee of the Board of Governors (through the Principal's office). The Chair of the Board of Governors/Special Committee will make a final decision on action to be taken and notify the staff member making the disclosure.
- 6.8 All communications with the member of staff making the disclosure will be in writing. If investigations into the concern are prolonged, the College will keep the member of staff updated as to the progress of the investigation and an estimated timeframe for its conclusion.

## **7 Safeguards for staff making a disclosure**

- 7.1 A member of staff making a disclosure under this procedure can 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.
- 7.2 The 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 member of staff 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.
- 7.3 No formal disciplinary action will be taken against a member of staff on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing appropriate disciplinary action against a member of staff where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 7.4 A member of staff 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 or procedure. Equally, where a member of staff 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.

## **8 Disclosure to external bodies**

- 8.1 This policy and procedure has been implemented to allow staff to raise disclosures internally within the College. Staff have the right to make a

disclosure outside the College where there are reasonable grounds to do so and in accordance with the law.

- 8.2 Staff may make a disclosure to an appropriate external body prescribed by the law. This list of “prescribed” organisations and bodies can be found in information on the “GOV.UK” website.
- 8.3 Staff can also make disclosure on a confidential basis to a practising solicitor or barrister. (The College cannot take any responsibility for any costs incurred).
- 8.4 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 8am to 8pm Monday to Friday and email: help@nspcc.org.uk
- 8.5 If a member of staff seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College’s reputation in so doing.

## **9. Accountability**

- 9.1 The 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 Audit Committee on an annual basis as appropriate.

## **10. Further assistance for staff**

- 10.1 The College will not tolerate any harassment or victimisation of staff who make disclosures. If, at any stage of this procedure a member of staff 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 the Principal or to the Head of Governance.
- 10.2 A member of staff making a disclosure may want to confidentially request Counselling can be obtained by calling the Employee Assistance Helpline and further support can be obtained by contacting the College’s Head of HR. Such requests would be made in confidence.
- 10.3 Staff can also contact the charity Protect (formerly Public Concern at Work) for confidential advice on whistleblowing issues.

Website: [Protect-advice.org.uk](http://Protect-advice.org.uk)  
 Telephone: 020 3117 2520

## **11. Equality and Diversity**

- 11.1 All individuals will be treated equally and fairly in the application of this policy
- 11.2 All reasonable requests to accommodate requirements in terms of race, age and disability will be accommodated where practical to do so.

## Appendix A: Difference between a personal grievance and a whistleblowing complaint:

A grievance will concern an employee personally, i.e. the individual may have a complaint about:

- Pay or working hours
- The amount of work that he or she is expected to do
- Working conditions, or
- Being bullied by fellow workers.

A protected disclosure will concern the conduct of another person in the workplace (whether or not that conduct affects the discloser personally), in circumstances where the discloser genuinely believes that the conduct in question amounts to a criminal offence, a breach of a legal obligation, or something likely to endanger health or safety or illegally damage the environment.

Examples of the difference between a grievance and a protected disclosure:

### Grievance

- An employee's complaint about the type of work that he or she is being asked to do, for example if it is not covered by his or her contract
- An employee's complaint that he or she has received insufficient safety training
- An employee's complaint about the hours that he or she is expected to work

### A Protected disclosure

- A disclosure that an individual has been instructed to carry out actions that he or she genuinely believes to be illegal e.g., to falsify a tax return
- A disclosure that safety rules within the workplace are routinely being flouted, thus endangering safety
- A disclosure that the requirements imposed by the company on a group of staff represent a breach of the working time legislation.

Examples of the difference between a grievance and a protected disclosure:

Grievance	Protected disclosure
An employee's complaint about the type of work that he or she is being asked to do, for example if it is not covered by his or her contract	A disclosure that an individual has been instructed to carry out actions that he or she genuinely believes to be illegal e.g. to falsify a tax return
An employee's complaint that he or she has received insufficient safety training	A disclosure that safety rules within the workplace are routinely being flouted, thus endangering safety
An employee's complaint about the hours that he or she is expected to work	A disclosure that the requirements imposed by the company on a group of staff represent a breach of the working time legislation