Policy	Whistleblowing Policy and Procedure
Approved by	Corporation Board
Date approved	October 2024
Review date	October 2027

Whistleblowing Policy and Procedure

This policy is largely adapted from the Association of Colleges' model policy which can be found at https://www.aoc.co.uk/sites/default/files/Whistleblowing.pdf

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 employees and workers (referred to as 'workers' 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 workers 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 workers to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers 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 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 Students, members of the public and Board members wishing to raise complaints against the College which do not fall under the Whistleblowing procedure should do so under the College Complaints Procedure.

2 Applicability of this policy and procedure

2.1 This policy applies to all employees of the College and subsidiary companies (unless there is a separate policy approved by the Board of a subsidiary company), including apprentices; and

2.2 Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and

2.3 Agency workers engaged by the College.

2.4 Workers 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 worker in this situation is encouraged to approach a manager in confidence for advice.

2.5 This policy does not form part of the contract of employment and can be amended at any time.

3 Protected disclosures

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

3.2 The law allows workers 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 worker 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, a worker 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, 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;
- Sexual Harassment.

[**Important note**: Whilst the reporting Sexual Harassment that has occurred, is occurring or is likely to occur (whether as a witness or victim) will amount to a protected disclosure for the purposes of whistleblower protection provided the report is made in the public interest, such complaints/reports concerning Sexual Harassment will be dealt with under the Anti-Sexual Harassment Policy for consistency and because of the additional safeguards it contains.]

5 Procedure for making a disclosure

5.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to a manager so that any appropriate action can be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with another manager who should then notify the Clerk to the Corporation.

5.3 If the disclosure relates to Principal/Chief Executive Officer, a worker can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk of the Corporation, a worker can raise the issue with the Chair of the Corporation Board of Governors.

5.4 Workers 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 may have difficulty in investigating concerns raised. 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.

5.5 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 Deputy Chief Executive or the Clerk to the Corporation.

6. Procedure for investigation of a disclosure

6.1 When a worker 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 worker 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 a worker 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.

6.3 When a worker makes a disclosure which has sufficient substance or merit 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 Group'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 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. Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer, such as the Clerk to the Corporation, to investigate the concern.

6.5 Any recommendations for further action made by the College will be addressed to the Chief Executive Officer or Chair of the Corporation Board as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

6.6 The worker 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 worker is not satisfied that their concern has been appropriately addressed, they can appeal

against the outcome by raising the issue with the Principal and Chief Executive within five working days of the outcome being communicated. The Principal and Chief Executive will make a final decision on action to be taken and notify the worker making the disclosure. If it is not appropriate for the Principal and Chief Executive to be involved in the decision making, the issue should be referred to the Chair of the Corporation Board instead.

6.7 All complaints under this procedure will be dealt with as speedily as practicable. There are no set timescales for the investigations, as they need to remain flexible, bearing in mind the variations in time required depending on the complexity of the concerns raised. However, the complaint will be acknowledged immediately and a written response will be provided within ten working days. Where the matter remains under investigation at that time, the complainant will be kept informed of progress.

6.8 Where preferred, all communications with the worker making the disclosure should be in writing and sent to the worker's home address or personal email address rather than through the College's internal mail.

7 Safeguards for workers making a disclosure

7.1 A worker 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. For confidentiality purposes, if the worker requests to raise their concern verbally, it would be appropriate for the College to allow the worker to do so.

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 worker 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 worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent The College from bringing disciplinary action against a worker 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. Making a disclosure does not provide immunity regarding the worker's own conduct.

7.4 A worker 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 a worker 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 workers to raise disclosures internally within the College. A worker has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law, although workers should consider taking advice from the free, confidential helpline provided by Public Concern at Work before doing so.

8.2 Workers 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. In this instance, the worker must reasonably believe that the matter falls into the organisation's area of responsibility and that the information disclosed and allegations made are substantially true.

8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister, in the course of obtaining advice.

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 Group Audit Committee on an annual basis as appropriate.

10. Further assistance for workers

10.1 The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker 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 Chief Executive Officer.

10.2 A worker making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Group Human Resources Director. Such a request would be made in confidence.

10.3 Workers can also contact the charity Protect for confidential advice on whistleblowing issues. Contact details can be found here: https://protect-advice.org.uk/advice-line/ or the Advisory, Conciliation or Arbitration Service can be contacted https://www.acas.org.uk/whistleblowing-at-work

Related Policies:

The following related policies and procedures are available within the College's intranet:

- Anti-Fraud Policy
- Anti-Bribery and Corruption Policy
- Disciplinary and Dismissal Policy and Procedure
- Financial Regulations
- Anti-Sexual Harassment Policy

Contact details

Elaine Bowker	Principal/Chief Executive Officer	ext 3747
Julie Barnes	Deputy Chief Executive	ext 3265
Bill Harrop	Group Human Resources Director	ext 3718
Christine Lenderyou	Clerk to the Corporation	ext 3688

DO

- Make a note of your concerns

- Record all relevant details, such as the nature of your concern, the names of parties you believe to be involved, details of any telephone or other conversations with names dates and times and any witnesses.

- Notes do not need to be overly formal, but should be timed, signed and dated.

- Timeliness is most important. The longer you delay writing up, the greater the chances of recollections becoming distorted and the case being weakened.

- Retain any evidence you may have. The quality of evidence is crucial and the more direct and tangible the evidence, the better the chances of an effective investigation.

- Report your suspicions promptly

- In the first instance, report your suspicions to a senior manager. If this action would be inappropriate, further guidance on disclosure can be found in The City of Liverpool College's Whistle-blowing Policy.

DON'T

- Be afraid of raising your concerns. The Public Interest Disclosure Act provides protection for employees who raise reasonably held concerns through the appropriate channels – whistle blowing. You will not suffer discrimination or victimisation as a result of following these procedures and the matter will be treated sensitively and confidentially.

- Convey your concerns to anyone other than authorised persons. There may be a perfectly reasonable explanation for the events that give rise to your suspicion. Spreading unsubstantiated concerns may harm innocent persons. If in doubt about who your concerns should be reported to, consult the relevant procedure.

- Approach the person you suspect or try to investigate the matter yourself. There are special rules relating to the gathering of evidence for use in criminal cases. Any attempt to gather evidence by persons who are unfamiliar with these rules may destroy the case.

WHISTLEBLOWING PROCESS FLOW CHART

