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# Policy Statement:

## Whistleblowing

Date approved:	June 2023	Review Date:			June 2024
Approved by:	Audit Committee				
Relevant to (please ✓):	<input checked="" type="checkbox"/> SRC	<input checked="" type="checkbox"/> Bede	<input checked="" type="checkbox"/> RCC	<input checked="" type="checkbox"/> NETA	<input checked="" type="checkbox"/> Skills Academy & TVC
Signed (Lead Manager):	Kay Taylor				
Print Name:	Kay Taylor				

## **1 PURPOSE**

The Group is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

The Group encourages employees 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 Group without fear of reprisals, even if they turn out to be mistaken.

## **2 SCOPE**

This policy applies to all employees, contractors, volunteers and agency workers. It is not directed at learners who can instead raise genuine concerns about suspected wrongdoing by contacting Student Services.

## **3 STATEMENT OF ACTION**

This policy and procedure seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded.

The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010

Etc. will regularly review all human resource policies and procedures in line with changes to employment law and where applicable best practice to support our Great Place To Work Strategy.

## **4 LINKED POLICIES**

- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Staff Code of Conduct
- Fraud Response Plan (Financial Regulations Appendix J)
- Anti-Bribery Policy
- Anti-Fraud Policy
- Financial Regulations 9

## **5 LOCATION AND ACCESS**

The Etc. Group Gateway site – Human Resources Policies and Procedures and The Group website



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# **Procedure:**

## **Whistleblowing**

## Introduction

- 1.1 The Group is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The Group encourages employees 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 Group 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 employees against vexatious allegations or allegations which are not well-founded.
- 1.4 The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure. The Group is also committed to ensuring compliance with the Bribery Act 2010.

## Applicability of this policy and procedure

- 2.1 This policy applies to all employees, contractors, volunteers and agency workers. It is not directed at learners who can instead raise genuine concerns about suspected wrongdoing by contacting Student Services.
- 2.2 Any employee who is unsure about whether to raise their concern under this policy or as a personal grievance under The Group's Grievance procedure is encouraged to approach the Group Director of HR and People Development in confidence for advice.

## Protected disclosures

- 3.1 The Public Interest Disclosure Act 1988 (PIDA) amended the Employment Rights Act (1996) ("the Act") to create a framework for whistleblowing across the private, public and voluntary sectors. The Act provides individuals in the workplace with protection from victimisation where they make a protected disclosure about malpractice or wrongdoing at work in accordance with the act's provisions.
- 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.

#### 4.0 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, 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.

#### 5.0 Procedure for making a disclosure

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

5.2 If it is inappropriate to make such a disclosure to their line manager, an employee can raise the issue with Group Director of HR and People Development.

5.3 If the disclosure relates to a College Principal, an employee can raise the issue with CEO/ Group Principal. If the disclosure relates to the CEO/ Group Principal an employee can raise the issue with Clerk of the Corporation. In the event that the disclosure relates to the Clerk of the Corporation, an employee can raise the issue with the Chair of the Board of Governors. In the event a disclosure relates to the Chair of Governors, an employee can raise the issue with the Clerk of the Corporation.

5.4 Employees are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, The Group will not be in a position to notify the individual making the disclosure of the outcome of action taken by The Group. Anonymity also means that The Group may have difficulty in investigating such a concern. The Group 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.

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 Group Director of HR and People Development.

## 6.0 Procedure for investigation of a disclosure

- 6.1 When an employee makes a disclosure, The Group will acknowledge its receipt, in writing, within a reasonable time.
- 6.2 The Group will carry out an initial assessment to determine the scope of any investigation. It will inform the employee of the outcome of its assessment.
- 6.3 The Group will determine the appropriate action to take (including action under any other applicable Group 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 will be conducted by a senior manager without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by The Group as appropriate. In some cases The Group may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.
- 6.5 Any recommendations for further action made by The Group will be addressed to the CEO/ Group Principal 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 employee making the disclosure will usually be notified of the outcome of any action taken by The Group under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent The Group 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.
- 6.7 If the employee is not satisfied that their concern has been appropriately addressed, they can raise it with the CEO/ Group Principal within 5 working days. The CEO/Group Principal will make a final decision on action to be taken and notify the employee making the disclosure.

### Note :

All communications with the employee making the disclosure should be in writing and sent to the employee's home address rather than through The Group's internal mail. If investigations into the concern are prolonged, The Group should keep the employee concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

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

- The Group is satisfied that an employee 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.

#### 7.0 Safeguards for employees making a disclosure

7.1 An employee making a disclosure under this procedure can expect their matter to be treated confidentially by The Group and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

Guidance note: For confidentiality purposes, if the employee requests to raise their concern verbally, it would be appropriate for The Group to allow the employee to do so.

7.2 The Group will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by The Group does not identify the employee making the disclosure without their written consent, or unless The Group is legally obliged to do so, or for the purposes of seeking legal advice.

7.3 No formal disciplinary action will be taken against an employee on the grounds of making a disclosure made under this policy or procedure. This does not prevent The Group from bringing disciplinary action against an employee where The Group has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside The Group without reasonable grounds.

7.4 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 Group 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 Group against the colleague in question.

#### 8.0 Disclosure to external bodies

8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.

8.2 The law recognises that in some circumstances it may be appropriate for employees to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The Group strongly encourages employees to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline.

8.3 Employees 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 government website [www.gov.uk](http://www.gov.uk)

## 9.0 Accountability

The Group will keep a record of all concerns raised under this policy and procedure (including cases where The Group deems that there is no case to answer and therefore that no action should be taken) and will report to The Group's Board of Governors on an annual basis as appropriate.

## 10.0 Further assistance for employees

In order to reassure employees and encourage disclosures, The Group is clear that victimisation of whistle blowers will not be tolerated.

Under amendments made by section 19 of the Enterprise and Regulatory Reform Act 2013, employees who victimise whistle blowers can be made personally liable for their conduct, and the employer will be vicariously liable if it has not taken all reasonable steps to prevent victimisation.

Assistance is available from the Human Resources service and through the confidential employee support help line.

10.1 The Group will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure an employee 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 Group Director of HR and People Development.

Staff must not threaten or retaliate against whistle blowers in any way and staff that are found to be involved in such conduct may be subject to disciplinary action.

10.2 An employee making a disclosure may want to confidentially request counselling or other support from The Group's occupational health service. Any such request for counselling or support services should be addressed to Group Head of HR. Requests will be treated in confidence.



- 10.3 Employees can also contact the charity Protect (formerly Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers

6 - 10 Borough High Street

London SE1 9QQ

Whistleblowing Advice Line:

Telephone: 020 3117 2550

Website : <http://www.pcaw.org.uk>

Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)