

**Policy Title:** Public Interest Disclosure (Whistleblowing)  
Policy and Procedure

**Created By:** Human Resources

**Approved By:** Corporation

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**Responsible Manager:** Human Resources Lead

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**Related Policies:** Discipline and Dismissal Policy  
Grievance Procedure  
Harassment and Bullying Policy

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## **1. INTRODUCTION AND SCOPE**

- 1.1 New College Swindon (referred to throughout as “the College”) is committed to running the College with honesty and integrity, and expects all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The aims of this policy are to:
- encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
  - provide staff with guidance as to how to raise those concerns
  - reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken
- 1.3 This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.
- 1.4 This policy takes account of the Public Interest Disclosure Act 1998, the Enterprise and Regulatory Reform Act (ERRA) 2013, the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.
- 1.5 This policy does not form part of any employee's contract of employment or other contract to provide services and the College may amend it at any time.

## **2. RESPONSIBILITY FOR THE POLICY**

- 2.1 The Governing Body has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 2.2 The Human Resources Lead has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 2.3 The Human Resources Lead, in conjunction with the Governing Body, should review this policy from a legal and operational perspective at least once a year.
- 2.4 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Human Resources Lead.

### **3. WHAT IS A PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING)?**

3.1 A public interest disclosure is most often called Whistleblowing.

3.2 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Although this is not an exhaustive list a disclosure may include:

- criminal activity
- failure to comply with any legal obligation
- miscarriages of justice
- danger to health and safety
- assessment malpractice
- quality related matters
- damage to the environment
- bribery
- financial fraud or mismanagement
- the deliberate concealment of any of the above matters

3.3 A whistleblower is a person who raises a genuine concern relating to any of the above. If an individual has any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy.

3.4 This policy should not be used for complaints relating to an individual's own personal circumstances, such as the way they may have been treated at work. In those cases the Grievance Procedure should be used.

3.5 If a member of staff is uncertain whether something is within the scope of this policy they should seek advice from the Human Resources Lead, whose contact details are at the end of this policy.

### **4. CONFIDENTIALITY**

4.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if an individual wants to raise a concern confidentially, the College will make every effort to retain anonymity. If it is necessary for anyone investigating the concern to be able to identify the individual, the College will discuss this with the person raising the concern before this happens.

4.2 The College does not generally encourage staff to make disclosures anonymously. Proper investigation may be more difficult or deemed impossible, if additional information cannot be gained from the person raising the concern. It is also more

difficult to establish whether any allegations are credible.

- 4.3 Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Human Resources Lead or one of the other contacts listed in Appendix A, paragraph 1.2 below and appropriate measures can then be taken to preserve confidentiality.
- 4.4 If the individual raising a concern is in any doubt they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

## **5. EXTERNAL DISCLOSURES**

- 5.1 The aim of this policy is to provide an internal process for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.
- 5.2 The law recognises that in some circumstances it may be appropriate for a Whistleblower to report concerns to an external body such as a regulator. It will very rarely be appropriate to alert the media. The College strongly encourages Whistleblowers to seek advice before reporting a concern to any external body. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 5.3 Whistleblowing concerns usually relate to the conduct of College staff, but they may sometimes relate to the actions of a third party, such as a student, customer, supplier or service provider. In some circumstances the law will protect Whistleblowers if the matter is raised with the third party directly. However, the College will always encourage such concerns to be reported internally to the relevant line manager or to one of the key contacts set out in clause 4.2 in the first instance.

## **6. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS**

- 6.1 It is understandable that Whistleblowers are sometimes worried about possible repercussions. The College aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 6.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.
- 6.3 If the Whistleblower believes that they have suffered any such treatment, they should inform the Human Resources Lead immediately. If the matter is not remedied they

should raise it formally using the Grievance Procedure.

- 6.4 There should be no retaliation against Whistleblowers in any way. If any member of staff is involved in such conduct they may be subject to disciplinary action.

## **7. CONTACTS**

Human Resources Lead – [humanresources@newcollege.ac.uk](mailto:humanresources@newcollege.ac.uk)

The email should be marked 'confidential' for the attention of the Human Resources lead

Principal and Chief Executive – [carole.kitching@newcollege.ac.uk](mailto:carole.kitching@newcollege.ac.uk)

Head of Governance – [headofgovernance@newcollege.ac.uk](mailto:headofgovernance@newcollege.ac.uk)

Chair of the Corporation – [chairofcorporation@newcollege.ac.uk](mailto:chairofcorporation@newcollege.ac.uk)

Protect (Independent whistleblowing charity) Helpline: (020) 3117 2520 or

Fill out a form via the website: <https://protect-advice.org.uk/homepage/> or

## **Appendix A - PROCEDURE**

### **1. RAISING A CONCERN**

- 1.1 The College hopes that in most cases concerns can be raised with the individual's Line Manager. This can be done either in person or in writing. They may be able to agree a way of resolving concerns quickly and effectively. In some cases the Line Manager may refer the matter to the Human Resources Lead.
- 1.2 However, where the matter is more serious, or an individual feels that the Line Manager has not addressed the concern, or there is a reason why the individual would prefer not to raise it with the Line Manager, one of the following should be contacted:
- Human Resources Lead
  - Principal & Chief Executive
  - Head of Governance
- 1.3 If the matter is about the Principal & Chief Executive, then the individual should raise the concerns with the Chair of the Corporation whose details are shown under Contacts in Clause 10 below. If the matter concerns either the Human Resources Lead or the Head of Governance, then the individual should raise this with the Principal & CEO.
- 1.4 A meeting will be convened as soon as possible to discuss the concern. Under this policy the individual raising the concern may be accompanied by a work colleague or Trade Union Representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 1.5 The College will take a detailed written summary of the concern and provide the individual with a copy after the meeting. The College will also aim to give an indication of how it is proposed the matter will be dealt with.
- 1.6 Where an individual wishes to raise a concern and remain anonymous, the College will continue to investigate the allegations but will only be able to do so with the original information supplied, and therefore the investigation may be more restricted than desired. The outcome of the investigation will still be communicated to the Principal, or the Chair of the Corporation dependent on the circumstances of the allegation.

### **2. INVESTIGATION AND OUTCOME**

- 2.1 Once a concern has been raised, the College will carry out an initial assessment to determine the scope of any investigation. The individual raising the concern will be informed of the outcome of the assessment which may involve attending further

meetings to gain additional information or clarity on relevant points.

- 2.2 In some cases the College may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the College to minimise the risk of future wrongdoing.
- 2.3 The College will aim to keep the person raising the concern informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the College giving specific details of the investigation and/or any disciplinary action taken as a result.
- 2.4 All information relating to the investigation should be treated with the highest level of confidentiality.
- 2.5 If the conclusion is that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

### **3. WHAT TO DO IF THE WHISTLEBLOWER IS NOT SATISFIED WITH THE OUTCOME**

- 3.1 If the Whistleblower is not happy with the way in which the concern has been handled by any of the named contacts, this can be raised with the Chair of the Corporation directly. Details are set out at in Section 7 of the main policy above.



#### 4. VERSION CONTROL

##### Document Location

*This document if printed can only be considered up to date on the day that it was printed.  
For a current version of this document please see the Central Storage Library.*

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Committee/Principalship	Date
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Corporation	TBC

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