

COLLEGE POLICY

Whistleblowing Policy

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Whistleblowing Policy

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Whistleblowing Policy

1.0 Scope

- 1.1 This policy and procedure aims to encourage everyone working at the College who may have genuine concerns about serious malpractice at the College to raise such concerns without fear of reprisals or discrimination against them. It sets out the legal protection provided to those who make 'protected disclosures' and the procedure to be followed.
- 1.2 This policy and procedure applies to all employees, apprentices workers, volunteers and sub-contractors, temporary workers or agency staff and Governors of:
- a) South Essex College of Further and Higher Education
 - b) South Essex Commercial Services Limited
 - c) Prospects Learning Foundation Limited
 - d) Prospects Training Services Limited
 - e) The Backstage Centre Limited

Hereafter, the above are referred to as 'the College'.

1.2.1 Communication / Training

The policy and the procedure will be:

- a) Published on the College external website and internal intranet, and will be easily located and identifiable.
 - b) Staff and governors will be notified of where on the College systems the whistleblowing policy and procedure can be found.
 - c) The Leadership and Management Team will be provided with relevant training, advice and guidance on the purpose of the policy and its application in practice.
 - d) The Leadership and Management Team will ensure that their designated staff are aware of policies and procedures to support them within the workplace.
 - e) The policy and procedure will form part of new staff induction into the College both as part of the College overall induction and in the HR Moodle induction.
 - f) The Director People & Organisational Development will, throughout academic years, take appropriate action to remind staff of all relevant college policies and procedures and where to locate them on College systems.
- 1.3 If individuals have personal concerns they should use the College Grievance Policy and Procedure.

2.0 Introduction

- 2.1 The College is committed to high standards of openness, probity, accountability and to operating in an ethical way. We expect everyone working at the College to conduct themselves and carry out their role in an ethical way, in compliance with other relevant policies and procedures, College Staff Code of Professional Conduct, relevant professional codes of conduct and best practice.
- 2.2 It is recognised that there may be occasions where individuals do not work in a manner that is conducive to an ethical working environment. An important aspect of accountability and transparency is a mechanism to enable all members of staff and other College workers to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the College affairs. Nevertheless, where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation, then this information should be disclosed internally without fear of reprisals.
- 2.3 The College encourages individuals to raise genuine concerns about suspected wrongdoing at the earliest practicable stage, or within a three month time frame from the concern arising or you becoming aware of the concern, and without fear of adverse reprisals or discrimination taken against them. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College.
- 2.4 The law allows individuals to raise such concerns externally and this policy informs individuals how they can do so. If you delay reporting a concern identified, in line with this procedure, there is a risk that the same or similar concern may be uncovered or identified by another source and an appropriate policy or process applied which would supersede your disclosure. This may result in your disclosure losing the protected status under the law. This policy and procedure seeks to balance the need to allow a culture of openness against the need to protect individuals against vexatious allegations or allegations that are not well founded.
- 2.5 The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure.
- 2.6 The College is also committed to ensuring compliance with the Bribery Act 2010 and local authority safeguarding requirements enabling concerns about the behaviours of those working with children or vulnerable adults to be made to the Head of Student Services or Safeguarding Team in relation to students or Director People & Organisational Development relating to Staff or directly to the Local Authority Designated Officer (LADO).
- 2.7 Students at the College and their parents are also encouraged to raise genuine concerns about suspected wrongdoings by making a complaint under the College's Complaints Procedure and not this Whistleblowing policy and procedure.

3.0 What is Whistleblowing?

- 3.1 Whistleblowing in the context of the Public Interest Disclosure Act 1998 and subsequent amendments provides legal protection for individuals who disclose information to expose acts, such as criminal acts.

3.2 Whistleblowing Definition

- Is the act of disclosing information about a wrongdoing in the workplace.
 - This could mean highlighting possible unlawful activities in the organisation, failures to comply with legal obligations, malpractice occurring in the UK, miscarriages of justice or reporting on risks to the health and safety of individuals, or to the environment.
- 3.2.1 Such activities could be a violation of a law, rule or regulation, or a threat to public interest, such as fraud, health and safety violations or financial regulations, corruption or the cover up of any of these. By 'blowing the whistle', you may highlight illegal activity in the workplace, and may protect others in the future.
- 3.3 This policy is not designed to question financial or business decisions taken by the College, nor should it be used to reconsider any matters that have already been addressed under another relevant policy such as complaint under the College Conduct & Capability Policy, Grievance Policy or any other relevant procedural policy or appeal process.
- 3.4 Normally concerns about a workplace matter at the College should be raised initially with the individuals' immediate line manager or Head of Department, Assistant Principal, Director People & Organisational Development or an Executive Board member. However, the College recognises that because of the seriousness or sensitivity of some issues, together with the knowledge of whom the member of staff thinks may be involved, may make this difficult or impossible to raise personally.

4.0 Specific Concerns

- 4.1 A 'whistle-blower' is legally protected if a disclosure is about one of the specific concerns below. The following are specific concerns which may be raised under this policy and procedure, however this list is not exhaustive and there may be other circumstances where whistleblowing may be appropriate:
- a) Financial malpractice or impropriety or fraud
 - b) Failure to comply with legal obligation or regulatory statutes
 - c) Any potential criminal activity
 - d) That a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - e) Where the health and safety of an individual has been, is being, or is likely to be endangered;
 - f) Improper conduct or unethical behaviour
 - g) That the environment has been, is being or is likely to be damaged;

- h) Attempts to deliberately conceal any of the above concerns

5. Protected Disclosures

- 5.1 The law protects individuals who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 5.2 The law allows individuals to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific concern (see section 3), and the disclosure must be made in an appropriate way in line with the procedure.
- 5.3 Policy is designed to offer protection to those individuals of the College who disclose such concerns provided that the disclosure is
- a) Made in good faith, and the information they are disclosing is true.
 - b) That the individual has reasonable evidence that the specific concern they are disclosing has happened, is happening or is likely to happen in the near future.
 - c) In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person.
 - d) There is no evidence of potential malicious or vexatious allegations.

6.0 Further Advice

- 6.1 For further advice on the contents or application of this policy and associated procedures, please refer to your line manager, Head of Department, Director of People & Organisational Development or Senior Leadership Team member or the Clerk or Chair to the Corporation.

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