

# Cirencester College Whistleblowing Policy and Procedure



<b>OWNED BY:</b>		<b>Head of Human Resources</b>			
<b>DATE OF LAST REVIEW</b>		<b>November 2020, followed by approval at November 2020 Audit Committee Mtg and December 2020 Corporation Mtg</b>			
<b>PLANNED NEXT REVIEW:</b>		<b>October 2021</b>			
<b>APPROVAL:</b>		<b>Corporation</b>			
<b>APPLIES TO:</b>	Staff	✓	Student	✓	Public
					✓

## 1. Introduction

Cirencester College is committed to operating in an ethical and principled way with honesty and integrity. The aim of this policy and procedure is to provide all employees, including senior managers, directors, consultants, full and part-time and fixed term employees, trainees, apprentices and agency workers engaged by the College referred to collectively as “workers” (for the purposes of this policy), with a means for raising genuine concerns of a public interest such as suspected bribery, breaches of the law, health and safety risks, damage to the environment and any breach of legal or professional obligations.

This policy is not a vehicle for discussion about decision making or processes outside any of the categories mentioned above.

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.

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.

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.

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.

Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing in which there is a public interest by making a complaint to any Vice Principal.

## **2 Raising a Concern**

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. The key test is whether it is a matter of potential public interest. Anonymous disclosures are difficult to investigate. Any worker in this situation is encouraged to approach the Head of Human Resources, in confidence, for advice.

The Head of Human Resources will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or a union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

## **3 Specific Subject Matter**

If, 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.

## **4 Procedure for making and investigating a disclosure**

**Making Disclosures** - these should be done verbally or in writing

Information which a worker reasonably believes tends to show one or more of the situations given in Section 3 should promptly be disclosed to your line manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a worker can

raise the issue with the Head of Human Resources.

If for good reason, a worker is unable to follow that route and would like to raise awareness of their concern with an external member of the College, they may write to:  
*The Chair of the Audit Committee, c/o Clerk to the Corporation, Cirencester College*

If a worker uses this particular route they should ensure that they outline their reasons for not raising it with the Head of Human Resources in the first instance. The Chair of the Audit Committee will contact the worker and determine how best to proceed and may decide to ask a line manager to conduct an investigation. Only the Clerk is permitted to open letters addressed to this post.

If the disclosure relates to the Principal, a member of the senior team or a member of the Corporation, a worker must definitely raise the issue with the Chair of the Audit Committee.

In the event that the disclosure relates to the Clerk to the Corporation, a worker should again raise the issue with the Chair of the Audit Committee, but via the Principal's office

In the event that the disclosure relates to the Chair of the Audit Committee, the person should raise the matter directly with the Chair of the Corporation c/o The Clerk to the Corporation.

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 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.

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 Human Resources.

**Investigating Disclosures** - When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.

The College will then determine whether or not it believes that the disclosure is wholly without substance or merit and is of public interest. 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 decision 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 or should be.

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 and also reference to the College's external adjudicator, referral to the College's auditors, referral to relevant external bodies such as the Police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation would be conducted by a senior 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.

Any recommendations for further action made by the College will be addressed to the Principal or Chair of the College's Board of Governors 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.

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 by an internal manager, they can appeal against the outcome by raising the issue with the Principal or the Chair of Corporation within 10 working days. This person will make a final decision on action to be taken and notify the worker making the disclosure.

In the event that a concern is escalated to the external adjudicator, his or her decision is final within the College's internal investigation procedures.

As part of any investigation a worker is entitled to bring a colleague or Trade Union representative to any meeting as part of the investigation, providing that person is not involved in the area of work to which the concern relates.

It should be noted that this person should attend to provide personal support only and will not be allowed to become involved in the proceedings.

No specific timescales are set for receiving or acknowledging complaints and the time needed to complete an investigation will depend on the complexity of the matter, its seriousness and resources available. Nevertheless all such disclosures will be taken very seriously and responded to as quickly as possible, hopefully within 10 working days of receipt.

## **5 Disclosure to external bodies**

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

The law recognizes that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect (Independent whistleblowing charity) operates a confidential helpline. 02031172520, Email: - [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Address - The Green House, 244-254 Cambridge Heath Road, London, E2 9DA. Website - [protect-advice.org.uk](http://protect-advice.org.uk).

## **6 Protection and Support for Whistleblowers**

We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Head of Human Resources. If the matter is not remedied you should raise it formally using our Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

## **7 Accountability**

The College Principal's office 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.

## **8 Data Protection**

When managing an employee's personal data information will be collected in accordance with the College's data protection policy. Data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of information relating to this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the College's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the College's disciplinary procedure.

## **9 Equality**

As with all College Policies and Procedures due care has been taken to ensure that this policy is appropriate to all employees regardless of sex, age, race, marital status, maternity, ethnicity, disability, gender identity, sexual orientation or religion/faith. The policy will be applied fairly and consistently whilst upholding the College's commitment to providing equality to all.