



New City College

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1. Introduction

- 1.1 The Enterprise and Regulatory Reform Act 2013 amends the Employment Rights Act 1996 to ensure that individuals only make whistleblowing claims on matters of public interest rather than for personal interests. Under the revised rules, a disclosure will not be protected unless the employee reasonably believes that it is made in the public interest.
- 1.2 The College is committed to operating in an ethical and principled way. The aim of this policy is to provide employees with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Definition of Whistleblowing

An individual who informs on a person or organization regarded as engaging in an unlawful or immoral activity.

An individual can report things that aren't right or are illegal or if anyone at work is neglecting their duties;

- 1.3 The College encourages employees to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy is intended to provide safeguards to enable employees to raise concerns about malpractice in connection with the College. Employees should in the first instance be clear that the matter is of a whistleblowing nature.
- 1.4 This policy also aims to encourage individuals to raise genuine concerns through internal College procedures first before raising the concern with an external body, without fear of adverse repercussions being taken against them. The law allows employees to raise such concerns externally and this policy informs individuals 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.
- 1.5 This policy 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.
- 1.6 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy. The College is also committed to ensuring compliance with the Bribery Act 2010.

Examples under the Public Interest Disclosure Act may include:

- Malpractice or ill treatment of a student/client/customer by a member of staff;
- Repeated ill treatment of a student/client/customer, despite a complaint being made;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, including, but not restricted to, health and safety at work;
- The environment has been, or is likely to be, damaged;
- Breach of the Financial Handbook;
- Showing undue favour over a contractual matter or to a job applicant;
- A breach of staff or Governors' code of conduct;
- Information on any of the above that has been, is being, or is likely to be concealed.

This is not an exhaustive list.

2. Applicability of this policy and procedure

- 2.1 This policy applies to all employees of the College. This also applies to apprentices, casual individuals, subcontractors and agency individuals engaged by the College.
- 2.2 Individuals might be unsure whether it is appropriate to raise their concern under this policy or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any individual in this situation is encouraged to approach the Group Executive Director of HR, Deputy Principal or the Director of Governance to the Corporation in confidence for advice.

3. Protected disclosures

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

- 4.1 If, in the course of employment, an individual becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy:
 - o That a criminal offence has been committed, is being committed or is likely to be committed;
 - o That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - o That a miscarriage of justice has occurred, is occurring, or is likely to occur.
 - o That the health or safety of any individual has been, is being, or is likely to be, endangered.
 - o That the environment has been, is being, or is likely to be, damaged.
 - o That information tending to show any of the above is being, or is likely to be, deliberately concealed.

5. Procedure for making a disclosure

- 5.1 Information which an individual reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to their line 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 individual can raise the issue directly with the Director of Governance who will appoint a designated officer to investigate the disclosure. The designated officers in the College are Group Executive Director of Human Resources and the Deputy Principal.
- 5.3 A designated officer may, however, decline to become involved on reasonable grounds, including possible previous involvement or interest in the matter concerned or unavailability to undertake an investigation within any agreed timescales. Another appropriate officer may then be asked to investigate the matter.

- 5.4 In the event that the disclosure relates to the Director of Governance, an individual can raise the issue with the Chair of the Board of Governors.
- 5.5 Individuals are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will acknowledge receipt of the disclosure however it would 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:
- o The seriousness of the issues raised in the disclosure;
 - o The credibility of the concern; and
 - o How likely it is that the concern can be confirmed from attributable sources.
- 5.6 In exceptional circumstances only and with the agreement of the Director of Governance a union representative can whistleblow on behalf of the individual providing there are sufficient safeguards around confidentiality for all parties concerned.
- 5.7 For further guidance in relation to this policy, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Group Director of HR.

6. Procedure for investigation of a disclosure

- 6.1 Individuals should make a disclosure in the first instance to their line manager who should refer the disclosure to the Director of Governance as soon as is practicable. The Director of Governance will acknowledge its receipt, in writing, within 5 working days of receiving disclosure, and appoint a designated officer.
- 6.2 The designated officer will then determine whether or not they believe that the disclosure is wholly without substance or merit. If the designated officer considers that the disclosure does not have sufficient merit to warrant further action, the individual will be notified in writing by the Director of Governance, of the reasons for the College's decision and advised that no further action will be taken by the College under this policy. Considerations to be taken into account when making this determination may include the following:
- o If the Director of Governance is satisfied that an individual does not have a reasonable belief that suspected malpractice is occurring; or
 - o If the matter is already the subject of legal proceedings or appropriate action by an external body; or
 - o If the matter is already subject to another, appropriate College procedure.
- 6.3 When an individual 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 College'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 Any recommendations for further action made by bodies identified in 6.3 having discussed will be addressed via the Director of Governance to the Group Principal & CEO. The Group Principal & CEO will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so. However, in the event that the disclosure relates to the Group Principal & CEO, the Chair

of the Corporation will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

- 6.5 The individual making the disclosure will be notified of the outcome of any action taken by the College under this policy within 10 working days. If the individual is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chair of the Corporation within 5 working days. The Chair of the Corporation will make a final decision on action to be taken and notify the individual making the disclosure. If the concern is about the Chair individuals can raise a disclosure to a relevant external body as outlined in 6.3.
- 6.6 All communications with the individual making the disclosure should be in writing and sent to the individual's home address rather than through the College's internal mail. If investigations into the concern are prolonged, the Director of Governance will keep the individual concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

7. Safeguards for individuals making a disclosure

- 7.1 An individual 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.
- 7.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, arising from the disclosure does not identify the individual 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 an individual on the grounds of making a disclosure made under this policy. This does not prevent the College from bringing disciplinary action against an individual 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.
- 7.4 An individual 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. Equally, where an individual 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 has been implemented to allow individuals to raise disclosures internally within the College. An individual has the right to make a disclosure outside of the College where there are reasonable grounds to do so i.e. If the disclosure involves the Chair of the corporation and in accordance with the law.
- 8.2 Individuals 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](#).
- 8.3 Individuals can also make disclosures on a confidential basis to a practicing solicitor or barrister.
- 8.4 If an individual seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

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 corporation on an annual basis as appropriate.

10. Further assistance for individuals

- 10.1 The College will not tolerate any harassment or victimisation of individuals who make disclosures. If, at any stage of this procedure an individual feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, the Group Executive Director of HR & OD.

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