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# 1 Introduction

1.1 The School is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as ‘workers’ in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings. Examples of suspected wrongdoing are:

* Financial fraud, mismanagement or impropriety
* Failure to comply with a legal or regulatory obligation (incl. statutes, ordinances and regulations of University)
* Academic or professional malpractice (incl. research misconduct)
* Improper conduct or unethical behaviour (incl. unauthorised disclosure of confidential information)
* Corruption, bribes or blackmail

1.2 The School 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 School.

1.3 This policy and procedure also aims to encourage workers to raise genuine concerns through internal School 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.

1.4 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.

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

1.6 Learners at the School are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Head of Human Resources and organisational Development, Head of Governance and/or Safeguarding Leads who are responsible for ensuring the appropriate implementation of the policy. This policy and procedure is designed for the use of workers of the School.

1.7 The Head of Governance will monitor the implementation of the policy and will monitor the application of the procedure throughout any implementation to evaluate whether any changes need to be made.

# 2 Applicability of this policy and procedure

2.1 This policy applies to all employees of the School, including

* apprentices; and
* Workers which includes any casual workers; home-based casual workers; and
* employees of subcontractors; and
* Agency workers engaged by the School.

2.2 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 School’s grievance procedure. Any worker in this situation is encouraged to approach a member of the Human Resources Team in confidence for advice.

# 3 Protected disclosures

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

3.2 The law allows workers 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 worker 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

If, in the course of employment, 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.

# 5 Procedure for making a disclosure

5.1 Information which a worker 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, a worker can raise the issue with the Head of FE or Vice Principal (HE).

5.3 If the disclosure relates to the Principal and Chief Executive, a worker can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance, a worker can raise the issue with the Chair of the Board of Governors.

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

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 the Head of HR and Organisational Development.

# 6. Procedure for investigation of a disclosure

6.1 When a worker makes a disclosure, the School will acknowledge its receipt, in writing, within a reasonable time.

6.2 The School will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the School 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 School’s decision and advised that no further action will be taken by the School under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

* If the School 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 School procedure.

6.3 When a worker makes a disclosure which has sufficient substance or merit warranting further action, the School will take action it deems appropriate (including action under any other applicable School policy or procedure, ESFA/FE Commissioner and OfS Reportable Events). Possible actions could include internal investigation; referral to the School’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 would be conducted by a manager of the School without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the School as appropriate.

6.5 Any recommendations for further action made by the School will be addressed to the Principal or Chair of the School’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.

6.6 The worker making the disclosure will be notified of the outcome of any action taken by the School under this policy and procedure within a reasonable period of time. If the worker 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 Governing Body within 10 working days. The Chair of the Governing Body (or person nominated by them e.g. Chair of Audit Committee) will make a final decision on action to be taken and notify the worker making the disclosure.

# 7 Safeguards for workers making a disclosure

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

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

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

7.4 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the School for making a disclosure in accordance with this policy and procedure. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the School against the colleague in question.

# 8. Disclosure to external bodies

8.1 This policy and procedure has been implemented to allow workers to raise disclosures internally within the School. A worker has the right to make a disclosure outside of the School where there are reasonable grounds to do so and in accordance with the law.

8.2 Workers 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 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

8.4 If a worker seeks advice outside of the School, they must be careful not to breach any confidentiality obligations or damage the School’s reputation in so doing.

# 9. Accountability

9.1 The School will keep a record of all concerns raised under this policy and procedure (including cases where the School deems that there is no case to answer and therefore that no action should be taken) and will report to the Board of Governors as and when appropriate.

# 10. Further assistance for workers

10.1 The School will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker 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 the Head of HR and Organisational Development.

10.2 A worker making a disclosure may want to confidentially request counselling or other support from the School’s occupational health service. Any such request for counselling or support services should be addressed to Head of HR and Organisational Development. Such a request would be made in confidence.

10.3 Workers can also contact the charity 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: 020 7404 6609

http://www.pcaw.org.uk

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