

DOCUMENT DETAILS

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DOCUMENT CONTROL

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WHISTLEBLOWING POLICY AND PROCEDURE

1.0 POLICY STATEMENT

- 1.1 Nottingham College is committed to the highest standards of openness, integrity and accountability. It aims to conduct its business in a responsible manner taking into account the Whistleblowing Arrangements Code of Practice and the requirements of the relevant funding bodies. The Whistleblowing Policy and Procedure gives staff, students and third parties a clear procedure on how to raise specific concerns which do not fall under the remit of the Complaints Policies and Procedures. Whistleblowing is not the same as a complaint. It is about raising concerns regarding malpractice or wrongdoing within the College. Information about the procedures for complaints can be found at <https://www.nottinghamcollege.ac.uk/footer-links/quick-links/complaints-procedure>
- 1.2 The management and governors of Nottingham College are committed to:
- promoting a culture of honesty and ethical behaviour in all aspects of College business and activity;
 - tackling fraud and other forms of malpractice, should they arise;
 - ensuring compliance with the Bribery Act 2010;
 - creating a culture of honesty and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered and resolved.
- 1.3 The aim of this policy and procedure is to provide all employees, officers, and workers with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.4 The College encourages employees 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.
- 1.5 The policy and procedure also aims to encourage employees 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.
- 1.6 This policy and procedure 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.
- 1.7 The provisions of this policy apply to specific subject matter outlined in section 3, and not to matters of a more general nature which should be dealt with under the College's grievance procedure. Harassment and Bullying matters should be raised using the College Anti-Harassment and Bullying Policy and Procedure. Employees uncertain of which procedure to follow are encouraged to approach the Director OD and HR, in confidence, for advice.

2.0 PROTECTED DISCLOSURES

- 2.1 The law protects employees who, out of a sense of public duty, want to reveal suspected wrongdoing or dangers at work.
- 2.2 The law allows employees 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 3 below) and the disclosure must also be made in an appropriate way (See Section 4). A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

3.0 SPECIFIC SUBJECT MATTER

- 3.1 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.

4.0 SAFEGUARDS FOR EMPLOYEES MAKING A DISCLOSURE

- 4.1 All matters disclosed using this procedure will be treated as raised confidentially by the College wherever possible and, other than in exceptional cases, the name of the worker will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality will prevent us from giving you specific details of the investigation or any action taken as a result. You should treat any information about the investigation as confidential.
- 4.2 Concerns should normally be raised in writing, but if a worker requests to raise their concern verbally for confidentiality reasons the College will accept this
- 4.3 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made the College may have difficulty in investigating the 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 by other sources.
- 4.4 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 Director OD and HR or the Corporation Secretary.

- 4.5 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the worker 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.
- 4.6 An employee 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 and procedure. Equally, where an employee is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action may be taken by the College against the colleague in question.
- 4.7 This does not prevent the College from bringing disciplinary action against an employee 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 and/or without following the correct process.

5.0 MAKING A DISCLOSURE

- 5.1 Information which an employee reasonably believes tends to show one or more of the situations given in Section 3 should promptly be disclosed to one of the following people:

- Director of OD and HR
- Chief Executive
- Corporation Secretary

so that any appropriate action can be taken.

- 5.2 If it is more appropriate to make such a disclosure to their line manager, an employee can raise the issue with their Director or Head of Service.
- 5.3 If the disclosure relates to the Chief Executive, an employee should raise the issue with the Clerk to the Board. In the event that the disclosure relates to the Clerk to the Board, an employee should raise the issue with the Chair of the Audit Committee.

6.0 INVESTIGATING A DISCLOSURE

- 6.1 When an employee makes a written disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.
- 6.2 When an employee 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.
- 6.3 If appropriate, any internal investigation would be conducted by a 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.
- 6.4 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the Corporation 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.

7.0 DISCLOSURE TO EXTERNAL BODIES

- 7.1 This policy and procedure has been implemented to allow employees to raise disclosures internally within the College. An employee has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.
- 7.2 Employees 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.
- 7.3 Employees can also seek advice on a confidential basis to a practising solicitor or barrister.
- 7.4 If an employee seeks advice outside of the College, they must be careful not to breach their duties of confidentiality towards the College. The seeking of advice in this way may not be covered by the Whistleblowing legislation.

8.0 ACCOUNTABILITY

- 8.1 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 Audit Committee on an annual basis as appropriate.

9.0 FURTHER ASSISTANCE

- 9.1 The College will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure an employee 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 Chief Executive.
- 9.2 An employee making a disclosure may want to confidentially request counselling or other support from the College’s occupational health service. Any such request for counselling or support services should be addressed to the Director OD and HR. Such a request would be made in confidence.
- 9.3 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

CAN Mezzanine
 7-14 Great Dover Street
 London SE1 4YR

Whistleblowing Advice Line: 020 7404 6609
 whistle@pcaw.org.uk

Nottingham College policies are non-contractual and do not form part of your contract of employment except where a policy is expressly stated to be contractual and is incorporated into your contract. We may amend this policy at any time.

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