CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY AND PROCEDURE

Updated by	Vice Principal (Business Services)
Approved by	Corporation
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1. Introduction

All Colleges face the risk of things going wrong or of unknowingly harbouring malpractice. We take malpractice very seriously and are committed to conducting our College with honesty and integrity and we expect all staff to maintain high standards too. We encourage open communication from all staff and we want everyone to feel secure about raising concerns.

All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection. It does not matter if an individual who raises a concern is mistaken about it - staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.

Employees are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the College. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

> **The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.**

This policy document demonstrates how you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns <u>within</u> the College rather than overlooking a problem or 'blowing the whistle' outside.*

The policy applies to all employees, officers, consultants, contractors and to other workers including agency workers, casual workers, volunteers, governors and college ambassadors. It also covers suppliers and those providing services under a contract with the College in their own premises.

This policy does not form part of any contract of employment and we may amend it at any time.

1.1 When to Use this Policy:

There is a difference between whistleblowing and raising a grievance.

Whistleblowing definition:

Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens students, third parties or the public generally. This should not be confused with grievance which is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use our Grievance Procedure in the first instance.

1.2 Malpractice covered by this policy

Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the activities the college undertakes. The kinds of malpractice covered by this policy include but are not limited to:

- criminal offences, including those in relation to bribery and corruption and tax evasions facilitation;
- miscarriages of justice;
- danger to health and safety of any individual;
- risk or damage to the environment;
- breach of any legal or professional obligation, including those in relation to bribery and corruption and tax evasion facilitation and failure to prevent fraud (under the Economic Crime and Corporate Transparency Act 2023);
- Sexual harassment; and
- deliberately concealing any of the above.

It may be that such malpractice may have already occurred, is currently occurring, or is likely to occur.

1.3 Our commitment

If you ask for a matter to be treated in confidence, we will respect this request and, unless the law requires otherwise, will only make the disclosures to third parties or other staff with your consent.

2. THE POLICY : AIMS AND SCOPE

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
- reassure you that you will be protected from possible reprisals or victimisation from both employer and colleagues if you have a reasonable belief that you have made any genuine disclosure

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees of the College or Corporation members or others acting on behalf of the College can be reported under this Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you feel the College subscribes to; or
- is against the College's Articles & Instrument and policies; or
- falls below established standards of practice; or
- amounts to improper conduct

2.1 Procedure for raising a concern

If you are concerned about any form of malpractice covered by this policy, you should normally raise the issue with your line manager. If you feel you cannot tell your immediate line manager, for whatever reason, you should raise the issue with one of the individuals listed below.

- Chair of Corporation chair@barton.ac.uk
- Principal
- Deputy Principal
- Vice Principal (Business Services)
- HR Manager
- General Data Protection Regulation Officer dataprotection@barton.ac.uk
- Clerk to the Corporation clerk@barton.ac.uk

A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the situation

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. This should include, as a minimum, details of the nature of the concern and why you believe it to be true, and the background and history of the concern (giving relevant dates where possible).

You may wish to consider discussing your concern with a colleague or trade union representative before raising it formally under this policy but remember that once you have raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

2.2 Responding to concerns raised

We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. We will arrange a meeting as soon as possible to discuss the concern raised. You may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.

After the meeting, we will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. We will endeavour to complete investigations within a reasonable time.

We will keep you informed of the progress of the investigation and when it is completed, and give you an indication of timings for any actions or next steps that we will take, but we cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

The College will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matter raised may:

- be investigated by management, or through the disciplinary process;
- be referred to the police;
- be referred to the external auditor; and / or
- form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the College will have in mind is the public interest.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken into account before any investigation is conducted.

Within **ten** working days of a concern being raised, the Deputy Principal, Vice Principal (Business Services), or, if appropriate, the Principal will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms and
- telling you whether further investigations will take place and if not, why not

The amount of contact between the staff considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the College will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union representative or a colleague.

The College will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the College will arrange for you to receive advice about the procedure.

The College accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

2.3 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

We hope that all staff feel able to voice their concerns openly under this policy. Although a concern may be raised anonymously, we encourage you to give your name when reporting your concern whenever possible. If this is not done, it will be much more difficult for us to protect

your position or to give feedback on the outcome of the investigations. Concerns that are expressed completely unanimously are also much less powerful and are difficult to investigate.

2.4 Raising your concern externally (exceptional cases)

The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. We would expect that in almost all cases raising concerns internally will be the most appropriate course of action.

If, for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator (e.g. Ofsted or Department for Education) or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect (formerly known as Public Concern at Work) (see Clause 10). Further information and contacts are set out below and on the GOV.UK website at:

Whistleblowing: list of prescribed people and bodies - GOV.UK

We strongly encourage any individual to seek appropriate advice before reporting a concern to anyone external. Protect is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and operate a confidential helpline.

2.5 Protection and support for those raising concerns

We are committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Any individual raising a genuine concern must not suffer any detriment because of doing so. If you believe that you have suffered such treatment, you should inform the Governance Professional or HR Director immediately. If the matter is not dealt with to your satisfaction, you should raise it formally using our Grievance Procedure.

No member of staff must threaten or retaliate against an individual who has raised a concern and we will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action and in some cases will be liable to a claim for compensation brought against them personally.

To ensure the protection of all our staff, those who raise a concern frivolously or which they do not reasonably believe to be true may be liable to disciplinary action.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect you.

2.6 Untrue allegations

If you make a genuine allegation but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation that is found to be frivolous, malicious or for personal gain, disciplinary action will be taken against you.

3. THE RESPONSIBLE PERSON

The Principal has overall responsibility for the maintenance and operation of this policy. The Principal's office maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Corporation.

4. HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair of the Corporation who can be contacted via the Clerk.

5. FURTHER INFORMATION AND CONTACTS

If you have any queries about the application of this policy please contact the HR Manager or Clerk in the first instance.