



WHISTLEBLOWING POLICY
Approved by: Audit Committee
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Strategy/Policy Responsibility: Head of Human Resources
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Whistleblowing Policy

1. Purpose

- 1.1 This College is committed to the highest possible standards of openness, probity and accountability in public life. In line with that commitment, we encourage employees or workers with serious concerns about the College's activities to come forward and voice those concerns on a confidential basis and without fear of reprisal.
- 1.2 This policy is part of the normal day to day management rules and does not form part of any member of staff's contract of employment/service and it may be amended from time to time at the College's sole discretion.
- 1.3 This policy should be read in conjunction with the College's Financial Regulations.

2. Scope

- 2.1 This Procedure provides employees or workers with confirmation that if the wrongdoing disclosed affects others then it will be in the public interest and the disclosure is considered to be whistleblowing under the Public Interest Disclosure Act 1998 (PIDA). You are protected by law if you report any of the following:-
 - a criminal offence, for example fraud
 - someone's health and safety is in danger
 - risk of or actual damage to the environment
 - a miscarriage of justice
 - the College was breaking the law, for example didn't have the right insurance
 - you believe someone is covering up wrongdoing
- 2.2 The policy also provides guidance to employees or workers on how to raise serious concerns about any aspect of the College's activities, receive feedback on any action taken and the means to take the matter further if dissatisfied with the College's response. For the purpose of this Policy, a worker is an employee, regardless of grade or seniority, an agency worker or a self-employed person who works under a contract to perform, whether personally or not, any work or service.
- 2.3 Employees or workers can be reassured of protection from possible reprisal or victimisation for whistleblowing. Furthermore, harassment or victimisation by a fellow employee or worker, of an employee or worker making a protected disclosure, would be regarded as a matter of potential gross misconduct under the College's Disciplinary Procedure.
- 2.4 Whistleblowing complaints are disclosures of serious concerns made in the public interest. There are other, existing, procedures for employees or workers to raise concerns arising from their employment, employees are encouraged to read the Grievance Procedure. An individual grievance is a complaint made by an

employee which arises out of his or her employment and is not otherwise dealt with under a formal procedure. Examples of complaints which may be dealt with under the Grievance Procedure include refusal of requests for annual leave, individual pay matters or complaints of unfair treatment.

- 2.5 Whistleblowing could be defined as an employee or former employee who reports misconduct by one or more members of an organisation. For example, an employee reports that members of management are submitting fraudulent information to the ESFA.

3. Safeguards

- 3.1 **Harassment or victimisation:** The College recognises that the decision to raise a serious concern may be a difficult decision to make and will not tolerate harassment or victimisation of those reporting such concerns.

- 3.2 This does not mean, if an employee or worker is already subject to a formal College process, for example, disciplinary or redundancy, that such processes would be halted as a result of whistleblowing.

- 3.3 **Confidentiality:** The College will do its best to protect the identity of those raising a serious concern who do not want their name to be disclosed. However, it should be recognised that the investigation process may reveal the source of the information and a statement may be required from the person raising the concern. Protection of staff and others reporting concerns under the Whistleblowing Policy is covered by the Employment Rights Act 1996 and Public Interest Disclosure Act 1998.

- 3.4 **Data protection:** When an individual makes a disclosure, the College will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

- 3.5 **Anonymous allegations:** This Procedure invites employees or workers to put their name to any serious concern raised as this permits a dialogue to be entered into that enables the investigator to seek or explore further information. Concerns expressed anonymously are less powerful, but will be investigated thoroughly as far as it is practicable to do so. Factors to be taken into account in investigating anonymous allegations include the seriousness and credibility of the concern raised and the availability of evidence to investigate.

- 3.6 **Untrue allegations:** If an allegation is made in good faith but is not confirmed by investigation, no action will be taken against the person raising the concern. However, when it appears that there are clear grounds for suggesting that the person raising the concern acted frivolously, maliciously or vexatiously, the College may undertake a disciplinary or other investigation. Depending on the outcome formal disciplinary action or other action may then be taken.

4. How to Raise a Concern

- 4.1 If the serious concern as set out in Section 2.1 above, involves a student or member of academic staff, a safeguarding (including Prevent) or academic issue then it should be raised with the Vice Principal Education & Quality edwara@croydon.ac.uk. If the serious concern involves fraud, corruption or financial irregularity, a health and safety matter or an issue involving a member of

the Business Support staff it should be raised with the Vice Principal, Finance & Resources immediately harlaa@croydon.ac.uk. Concerns involving the Executive Team should be raised with the Principal and CEO, Caireen Mitchell, mitchc@croydon.ac.uk. The Clerk to the Governors may refer concerns raised to another party as appropriate, for example a concern raised regarding the Principal and CEO or a Governor. governance@croydon.ac.uk

- 4.2 If a serious concern involves a third party such as a contractor, the disclosure may be referred direct to that company or a prescribed person. However, to avoid any risk of further wrongdoing or harm as relevant, the College should also be notified.
- 4.3 Concerns are better raised in writing. The person raising the concern is invited to set out the background, history of the concern and give factual information where possible, for example names, dates and places, and the reason for the concern arising. However, if the person raising the concern does not feel able to put it in writing, concerns may be raised in person.
- 4.4 Urgent and serious concerns should always be raised immediately. In addition, the earlier the concern is expressed then generally the easier it is to take action.
- 4.5 A person raising a serious concern is not expected to prove the truth or investigate the matter themselves but is expected to demonstrate the grounds for their belief. It is very important that evidence is preserved but not altered or tampered with.
- 4.6 A person with a serious concern may wish to discuss the matter in confidence with a trusted colleague or trade union or professional association representative in advance of raising the matter.
- 4.7 Alternatively, the employee or worker concerned may wish to raise the concern with one of the list of prescribed persons and bodies. This list can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 4.8 If you wish to report a concern externally, you may wish to contact Protect (formerly known as Public Concern at Work) for advice. Protect is a leading independent charity whose main objectives promote compliance with the law and good practice in the public, voluntary sectors. They are a source of further information and advice and operate a confidential helpline.

5. How the College will Respond

- 5.1 The College will respond to any concerns raised. It will test the evidence for the matters raised but it should be noted this is not the same as rejecting the concerns. Initial enquiries will be made to decide the form an investigation will take. The matters raised may be investigated internally or referred to an external body as appropriate, for example the Police, the external Auditor or other independent, safeguarding or regulatory body. Some concerns may be resolved by agreed action at an early stage.
- 5.3 Within 10 working days of a concern being received, the College will contact the person raising the concern to:
 - acknowledge that the concern has been received;
 - indicate how it proposes to deal with the matter;
 - give an estimate of how long it will take to provide a final response;
 - inform the person raising the concern whether any initial enquiries have been made; and

- inform the person raising the concern as to whether further investigations will take place, and if not, why not.

- 5.4 The amount of contact between the person considering the concern and the person who raised it will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information received. If necessary, further information will be sought from the person raising the concern. Meetings may be arranged off-site and the person raising the concern may be accompanied by a representative from a trade union or professional association or a friend.
- 5.5 Where possible, the College will provide information to the person raising the concern on the outcome of any investigation.

6. How the Matter can be Taken Further, if Necessary

- 6.1 This Procedure is intended to provide employees and workers with a clear route to raise serious concerns within the College and for the concerns to be dealt with and settled appropriately. However, if the person raising the concern considers that this has not happened then they may contact an appropriate external body such as:
- the Police;
 - the College's external Auditor;
 - a relevant examination or other assessment body;
 - a relevant funding agency; or
 - the local authority or safeguarding body.
- 6.2 Complaints made to individuals, the media or other bodies may actually hamper a speedy, full and professional investigation of the serious concern raised and should be regarded as a last resort and is permissible only if certain conditions are satisfied. Employees or workers considering this course of action are advised to take independent advice from a trade union or other appropriate advisor.

7. Record Keeping

- 7.1 The Principal and CEO has overall responsibility for the maintenance and operation of this Procedure and will ensure the maintenance of a confidential record of concerns raised and the outcomes, and will report annually through the Audit Committee to the Governing Body.

8. Feedback

- 8.1 Comment on the Procedure is welcomed and should be forwarded to the Director of Human Resources.

Reviewed by: Head of HR/Director of Governance **Date:** June 2020

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Next Review due: June 2022