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WHISTLEBLOWING POLICY (PUBLIC INTEREST DISCLOSURE)

1. PURPOSE AND PRINCIPLES

- 1.1 The College is committed to operating in an ethical and principled way. The aim of this policy is to provide employees and all other workers (referred to as 'workers' in this policy) with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy is intended to provide safeguards to enable workers to raise genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy 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.
- 1.4 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.

2. APPLICABILITY OF THIS POLICY AND PROCEDURE

- 2.1 This policy applies to all employees, officers, consultants, contractors, governors, volunteers, casual workers and agency workers. It is not directed at students who can instead raise genuine concerns about suspected wrongdoing by making a complaint through the College's Complaints Policy.

3. WHEN TO USE THIS POLICY

- 3.1 There is a difference between whistleblowing and raising a grievance:
 - Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally but;

- A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

3.2 Where members of staff have a complaint about their own personal circumstances, they should refer to the Grievance Policy instead. Any worker who is unsure about whether to raise their concern under this policy or as a personal grievance under the College's grievance procedure is encouraged to approach the Director of Governance and Policy or the Director of HR in confidence for advice.

3.3 Where a disclosure relates to sexual harassment, the College will determine whether it is appropriate to follow this Whistleblowing Policy or the Grievance Policy. Disclosures that raise wider concerns that are in the public interest will be addressed through this whistleblowing policy (for example, concerns about a culture of sexual harassment).

3.4 Any disclosures which may be mis-submitted through either of the Grievance or Whistleblowing routes will be promptly redirected to the appropriate route.

4. PROTECTED DISCLOSURES

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

4.2 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 5 below) and the disclosure must also be made in an appropriate way (See Section 6). 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. Disclosures made in good faith will be protected even if they later prove to be unfounded.

5. SPECIFIC SUBJECT MATTER

5.1 If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they can use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed. This includes disclosures relating to fraud or potential fraud, financial irregularity or misuse of funds, mismanagement, false accounting.
- 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 safeguarding arrangements are ineffective or insufficient.
- That the environment, has been, is being, or is likely to be, damaged.
- That they wish to report sexual harassment.

- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5.2 Complaints that relate to an individual's personal treatment are more likely to be addressed under the grievance policy. The College will make this decision based on the nature and circumstances of the complaint.

6. PROCEDURE FOR MAKING A DISCLOSURE

6.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 5 should promptly be disclosed to the Director of Governance and Policy or, in their absence, the Director of HR.

6.2 If the disclosure relates to the Principal, a worker should raise the issue with the Director of Governance and Policy. In the event that the disclosure relates to the Director of Governance and Policy, a worker should raise the issue with the Principal or the Chair of Governors.

6.3 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will 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 may have difficulty in investigating such a concern.

6.4 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; and
- How likely it is that the concern can be confirmed from attributable sources.

6.5 For further guidance in relation to this policy or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Director of Governance and Policy.

7. PROCEDURE FOR INVESTIGATION OF A DISCLOSURE

7.1 When a worker makes a disclosure, the Director of Governance and Policy will acknowledge its receipt, in writing, within a reasonable time.

7.2 Any disclosure shall, wherever possible, be in writing but, if this is not practicable, any such disclosure may be verbal, at the choice of the worker making a disclosure. The Worker making a disclosure should provide as much supporting written evidence as possible about the disclosure and the grounds for the belief of malpractice.

7.3 On receipt of the disclosure, the Director of Governance and Policy will offer to interview the worker making a disclosure in confidence, such interview to take place as soon as practicable after the initial disclosure. The purpose of the interview will be to obtain as much information as possible from the worker making a disclosure about the grounds of the belief of malpractice and to consult with the worker making a disclosure about further

steps that could be taken. The worker making a disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Director of Governance and Policy may be accompanied by an administrative assistant to take notes, which will not identify the worker making a disclosure.

- 7.4 The Director of Governance and Policy will carry out an initial assessment to determine the scope of any investigation. They will inform the worker of the outcome of this assessment.
- 7.5 In discussion with the Principal, or where appropriate the Chair of Governors, the Director of Governance and Policy will determine the appropriate action to take (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.
- 7.6 If appropriate, any internal investigation will 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. In some cases, the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.
- 7.7 Any recommendations for further action will be addressed to the Principal unless it is alleged that the Principal is involved in the alleged malpractice or unless there are other reasonable grounds for not doing so, in which case the recommendations will be made to the Chair of the Corporation. The recipient of any recommendations will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so. In any case, the recommendations will be made without revealing the identity of the worker making a disclosure.
- 7.8 The worker making the disclosure will usually be notified of the outcome of any action taken by the College under this policy within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving the worker specific details of the investigation or any disciplinary action taken as a result. Workers should treat any information about the investigation as confidential.
- 7.9 If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the decision to the Director of Governance and Policy within five working days of receiving the decision. If this happens then the Director of Governance and Policy will arrange for the appeal to be presented to the Audit Committee of the Corporation. The Audit Committee will consider the decision of the Principal/Chair of Governors and may confirm, modify or overturn that decision. The Director of Governance and Policy will inform the worker making a disclosure of the decision of the Audit Committee.
- 7.10 There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:

- The College is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- The matter is already the subject of legal proceedings or appropriate action by an external body; or
- The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

7.11 The stages of any investigation will be fully documented and stored securely. Recommendations and any follow up actions will be documented.

8. SAFEGUARDS FOR WORKERS MAKING A DISCLOSURE

8.1 A worker 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.

8.2 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.

8.3 Where the worker making a disclosure involves a local trade union representative or work colleague in this procedure, the worker making a disclosure will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague keep this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain. Failure to comply with this obligation may lead to disciplinary action.

8.4 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy. This does not prevent the College from bringing disciplinary action against a worker 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.

8.5 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 College 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 College against the colleague in question.

8.6 Further independent advice on whistleblowing in relation to safeguarding issues is available from the NSPCC. Email help@nspcc.org.uk or 0800 028 0285.

9. DISCLOSURE TO EXTERNAL BODIES

9.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it

necessary to alert anyone externally.

- 9.2 The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The College strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline.
- 9.3 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.

10. ACCOUNTABILITY

- 10.1 The College will keep a secure 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 each disclosure to the Audit Committee with a report to the Corporation on an annual basis.

The Role of the Principal as a Worker making a disclosure

- 10.2 The Principal is responsible for advising the Corporation in writing if any action or policy under consideration by them is incompatible with the terms of the Financial Memorandum/Funding Agreement or would infringe the requirements of propriety or regularity.
- 10.3 The Principal is also responsible for advising the Corporation in writing if it appears to be failing to act where required to do so by the memorandum/agreement or where required to meet the requirements of propriety or regularity.

11. RELATED POLICIES

- 11.1 The Policy should be read in conjunction with other College policies, notably:

- 11.1.1 Staff Grievance Policy and Procedure (HR019)
- 11.1.2 Sexual Harassment Policy (HR061)
- 11.1.3 Fraud Policy (FF007)
- 11.1.4 Anti-Bribery Policy (FF003)
- 11.1.5 Anti-Money Laundering Policy (FF008).

12. AMENDMENTS AND REVIEW

- 12.1 The Corporation may amend this Policy from time to time and will review it formally every three years or sooner if investigations suggest this may be necessary or if regulations or sector expectations change.