

Whistleblowing Policy and Procedure (Public Interest Disclosure)

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1. Introduction

- 1.1 It is important to Wiltshire College & University Centre ('The College') that any fraud, misconduct or wrongdoing by employees or other individuals working in collaboration with the College is reported and dealt with properly. The College therefore encourages all individuals to raise any concerns they may have about the conduct of others in the business or the way in which the business is run.
- 1.2 This policy applies to all employees and other individuals such as agency workers, contractors (referred to as 'workers' in this Policy) etc and is intended to encourage individuals to raise serious concerns within the College rather than overlooking a problem or 'blowing the whistle' externally to another organisation.
- 1.3 This policy is designed for workers at the college. Students at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Senior Tutor & Deputy Safeguarding Lead on their campus.

2. Purpose of this policy

- 2.1 This policy sets out the way in which individuals may raise any legitimate concerns that they may have and how these concerns will be dealt with.
- 2.2 The law provides protection for employees and workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- A breach of any other legal obligation; or
- Concealment of any of the above;

is being, has been or is likely to be committed. It is not necessary for the individual to prove that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient. The individual has no responsibility for investigating the matter – it is the College's responsibility to ensure that an investigation takes place.

- 2.3 An employee who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.
- 2.4 The College encourages employees and other workers to raise their concerns under this policy in the first instance. Workers include any casual workers, home based casual workers and employees of sub-contractors and agency workers engaged by the College.
- 2.5 The College has a range of policies and procedures, which deal with standards of behaviour at work, covering Discipline, Grievance, Health & Safety and Safeguarding. Employees are encouraged to use the provisions of these policies where appropriate.
- 2.6 In addition to the College's Financial Regulations, the Whistleblowing Policy is complementary to the College's Financial Regulations. This policy also fulfils the College's obligations under the Bribery Act 2010.
- 2.7 It may be appropriate that disclosures made under the Whistleblowing Policy may be dealt

with under the Anti-Fraud Policy.

3. Roles and responsibilities

- 3.1 The Head of HR is responsible for ensuring the policy is implemented, regularly reviewed and updated.
- 3.2 The Human Resources Department will provide guidance on the interpretation of this policy.
- 3.3 The initial person with whom any concerns are raised is responsible for ensuring that when this happens, the concerns are taken seriously, and investigations are carried out promptly. This person may be the line manager or could be another individual.
- 3.4 Employees and workers will take all reasonable steps to make full and proper use of this policy in the event of raising a legitimate concern i.e. a disclosure which in the reasonable belief of the discloser is made in the public interest. If an individual is not sure whether or not to raise a concern, they can discuss this with an appropriate person i.e. line manager, HR Department or Trade Union Representative.
- 3.5 A Trade Union Representative can provide support and guidance to employees; representing them where necessary. They will work in partnership with the College to its employees, including contributions to the review of the effectiveness of the Whistleblowing Policy.
- 3.6 The charity, Protect (previously known as Public Concern at Work), can advise people who have a concern. Contact information can be found in section 6 of this document.
- 3.7 The External Auditors and the Chair of the Audit Committee may have a role if there are allegations of fraud.

4. General principles

- 4.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Everyone should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 4.2 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised the issue.
- 4.3 No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.
- 4.4 Victimisation of an employee for raising a qualifying disclosure will be a disciplinary offence.
- 4.5 If misconduct is discovered as a result of any investigation under this procedure the College's Disciplinary Policy will be used, in addition to any appropriate external measures.
- 4.6 Maliciously making a false allegation is a disciplinary offence.

- 4.7 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a senior manager.
- 4.8 This policy encourages disclosers to put their name to an allegation whenever possible. Concerns expressed anonymously are much harder to investigate and resolve.
- 4.9 This policy is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the College's Grievance Policy.

5. Raising a concern

Stage 1

- 5.1 In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing or if for any other reason the worker does not wish to approach their line manager, any concerns should be raised with the worker's line manager. Where the individual does not feel comfortable in approaching their line manager, they should speak to whomever they believe is the most appropriate person with whom to raise their concern i.e. Senior Manager, HR, Principal, Clerk to the Governors depending on nature of concern.

Stage 2

- 5.2 The line manager will arrange an investigation into the matter (either by investigating the matter personally or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement. The employee's statement will be taken into account, and they may be asked to comment on any additional evidence obtained. The line manager will (or the person who carried out the investigation) will then report to the Senior Leadership Team (SLT), which will take any necessary action, including reporting the matter to an appropriate government department or regulatory agency if required.
- 5.3 If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the Human Resources Department and start the disciplinary procedure.
- 5.4 On conclusion of any investigation, the employee will be told the outcome of the investigation and what SLT has done or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 3

- 5.5 If the employee is concerned that the line manager is involved in wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to SLT, they should inform a Vice Principal / Director of the College who will arrange for another manager to review the investigations carried out, make any necessary enquiries and make their own report to SLT as in stage 2 above. If for any reason the employee does not wish to approach their line manager, they should also in the first instance contact the Vice Principal / Director for their area. Any approach to a senior manager will be treated with the strictest confidence and the employee's identity will not be disclosed without their prior consent.

Stage 4

- 5.6 If on conclusion of stages 1, 2 and 3 the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the Clerk of the Board of Governors. If the concern is against the Clerk, the discloser can raise their concern in writing to the Chair of the Board of Governors.
- 5.7 In the event of the disclosure being against the Principal and Chief Executive, the discloser should express their concern to the Clerk to the Board of Governors who will act in conjunction with the Chair of the Audit Committee.

Stage 5

- 5.8 If on conclusion of stages 1, 2, 3 and 4 the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority for example – HM Revenue & Customs, the Financial Conduct Authority, the Health & Safety Executive, the Environment Agency, the Serious Fraud Office etc.

6. Support for Disclosers

- 6.1 The College recognises that raising a disclosure can be a stressful experience and seeks to be supportive and remove the fear from the process.
- 6.2 The College also recognises employees may wish to seek advice and be represented by their trade union officers when using the provisions of this policy and acknowledges and endorses the role trade union officers play in this area.
- 6.3 If, at any stage, the discloser is concerned about what progress is being made, requires support or reassurance, or feels they may be being victimised or harassed as a result of making the disclosure, they should contact the Head of HR.
- 6.4 Disclosers who raise concerns or who are the subject of an investigation may be able to access confidential counselling through the Occupational Health department. This request can be made by contacting the Human Resources department who will deal with the request confidentially.
- 6.5 The charity Protect (previously known as Public Concern at Work) can be contacted for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Whistleblowing advice line: 020 3117 2520, [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)

7. How the organisation will respond

- 7.3 If the concern does fall within the scope of the procedure, the action taken will depend on the nature of the concern, which may include
- Internal investigation
 - Referral to the Police

- Referral to the College's auditors
- Independent inquiry

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

7.5 An investigation may need to be carried out under strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, suspension from work may need to be considered immediately.

8. Equality Statement

8.1 Wiltshire College & University Centre strives to ensure equality of opportunity for all students, local people and the workforce. As an employer and a provider of education, the College aims to ensure that none are placed at a disadvantage as a result of its policies. It is intended that this policy is fair to all. Where any part could potentially lead to unequal outcomes, the policy then justifies why this is a proportionate means of achieving a legitimate aim.

9. Data Retention Statement

9.1 Wiltshire College is committed to ensure the data it collects, and holds is in line with the ICO's guidance and meets Data Protection law. Where appropriate a Data Protection Impact Assessment will be undertaken as and when policies are updated to ensure risks to the individual and college are considered and managed.

9.2 For further information please refer to Wiltshire College & University Centre's Data Protection Policy – [Data Protection Policy](#).

10. Policy Review and Ownership

10.1 This policy will be reviewed and amended as required, and at least every two years by the HR Department, the policy owner.

11. Amendments Log

Version	Date of Issue	Amendment summary	Author(s)
V1.0	17/06/21	Approved by Governors	Coralie Frampton