

## **Whistleblowing Policy and Procedure**

**Revised March 2023**

### **1. Introduction**

- 1.1. West Thames College is committed to operating in an ethical and principled way.
- 1.2. Whistleblowing is the raising of concerns, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.
- 1.3. The aim of this policy and procedure is to provide employees and workers (referred to collectively as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.4. The College encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable workers to raise concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.
- 1.5. This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect workers against vexatious allegations or allegations which are not well-founded.
- 1.6. The principles of openness and accountability, which underpins 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 workers of the College including apprentices, volunteers, consultants, contractors, casual workers and agency workers.
- 2.2 Any worker who is unsure about whether to raise their concerns under this policy and procedure or as a personal grievance, under the College's Grievance Procedure is encouraged to approach the Head of HR & Professional Development in confidence for advice.

### **3. Protected disclosures**

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

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3.2 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 4 below) and the disclosure must also be made in an appropriate way (see section 5). 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.

#### **4. Specific subject matter**

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 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 (including safeguarding, radicalisation and extremism).
- 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.

#### **5. Procedure for making a disclosure**

5.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 4, should promptly be disclosed to their line manager, preferably in writing, so that any appropriate action can be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with the area Director.

5.3 If the disclosure relates to the CEO & Principal a worker can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance, a worker can raise the issue with the Chair of the Corporation.

5.4 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 will have difficulty in investigating such a 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:

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- 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 from attributable sources.

5.5 For guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, workers should speak in confidence to a senior member of HR.

## **6 Procedure for investigation of a disclosure**

6.1 When a worker makes a disclosure, the College will acknowledge its receipt in writing, within five working days

6.2 The College will then determine whether it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reason for the College's decision and advised that no further action will be taken by the College under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the College is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate College procedure.

6.3 When a worker 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 include internal investigation; referral to the College's auditors; referral to relevant external bodies such as the police, Ofsted, the NSPCC, Health and Safety Executive or the Information Commissioner's Office.

6.4 If appropriate, any internal investigation would be conducted by the manager or 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. S/he will investigate the concerns raised and possible courses of action to be taken.

6.5 Any recommendations for further action made by the College will be addressed to the Chair of the Corporation, as appropriate in the circumstances. The recipient will take all steps within their power to ensure that recommendations are implemented unless there are good reasons for not doing so.

6.6 The worker making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure with a reasonable period of time. If the worker is not satisfied that their concerns have been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal within five working days. The Principal will make a final decision on action to be taken and notify the

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worker making the disclosure. This will be in writing and sent to the worker's home address.

## 7. Safeguards for workers making a disclosure

- 7.1 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.
- 7.2 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.
- 7.3 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure under this policy and procedure. 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.
- 7.4 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. Disclosure to external bodies

- 8.1 This policy and procedure has been implemented to allow workers to raise disclosures **internally** within the College. A worker 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. However, it is expected that the internal procedure will be exhausted before doing so.
- 8.2 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: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4 The NSPCC whistleblowing helpline is available for workers who do not feel able to raise concerns internally regarding child protection failures. The NSPCC whistleblowing helpline number is 0800 028 0285 – available from 8am to 8pm, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- 8.4 If a worker seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

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## 9. Accountability

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).

## 10. Further assistance for workers

- 10.1 The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure, a worker 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 Head of HR & Professional Development.
- 10.2 A worker 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 Head of HR & Professional Development. Such a request would be handled in confidence.
- 10.3 Workers can also contact the charity Protect (formerly Public Concern at Work) 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

<https://protect-advice.org.uk/>

## 11. Policy approval

This policy and procedure has been reviewed and approved by the Corporation.

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