

Whistleblowing Policy and Procedure

Procedure Approved: SLT	22 July 2020
Procedure Agreed: Unions	<i>21 June 2016</i>
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1. INTRODUCTION

- 1.1 The Bournemouth and Poole College ('The College') is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law, Safeguarding and Prevent-related issues and other serious wrongdoings.
- 1.2 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 members of staff to raise concerns about malpractice, safeguarding allegations or radicalisation or extremism in connection with The College or members of its staff.
- 1.3 This policy and procedure also aims to encourage workers to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure 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.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010 and the Counter-Terrorism and Security Act 2015.

2. EMPLOYEES COVERED

- 2.1 This policy and procedure is designed for the use of workers of The College.
 - 2.1.1 This policy applies to all employees of The College, including apprentices; and Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and Agency workers engaged by The College.
 - 2.1.2 Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under The College's grievance procedure. Any worker in this situation is encouraged to approach the Chief Operating Officer in confidence for advice.
 - 2.1.3 This document may not be applicable to employees who transferred into the College under TUPE legislation and remain on the terms and conditions of their previous employer.
- 2.2 All employees are advised of key policies on appointment. Significant updates to policies are drawn to the attention of employees via team briefings.
- 2.3 Managers are signposted to relevant policies through HR Business Partnering. Significant updates are cascaded via briefings and workshops.
- 2.4 Policies relating to College employees are available via the College's intranet – mybpc and can be found in the Human Resources area.

3. PRINCIPLES

3.1 Protected disclosures

- 3.1.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.1.2 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 3.2 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.

3.2 Specific Subject Matter

- 3.2.1 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 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.
 - 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.

3.3 NSPCC Whistleblowing Advice Line

- 3.3.1 All workers are able to access the NSPCC Whistleblowing Advice Line for safeguarding related concerns should they wish to do so or believe it to be necessary.

4. LINKS TO COLLEGE VALUES AND OTHER COLLEGE POLICIES

4.1 Staff Values:

Supportive and Caring
Respectful and Considerate
And are embedded in the Employee Code of Conduct

4.2 Other related Policies:

Disciplinary policy and procedure

5. ROLES AND RESPONSIBILITIES

Who?	How?
Managers	Ensuring employees understand College rules, practices and procedures and for applying the policy in a fair and consistent manner.

Who?	How?
	To consult with the HR Team for advice and assistance prior to taking any formal action.
HR Team	HR advisers provide advice to managers in the operation and application of this policy and its associated procedure.
Employees	Employees have a contractual responsibility to be aware of and conform to the College's values, rules, policies and procedures. Employees may seek advice and guidance or representation from their union if they are a member or from a workplace colleague. HR may provide signposting to appropriate support.
Trade Union Representatives	The role of the TU representative is to support member employees

6. PROCEDURE

6.1 Procedure for making a disclosure

- 6.1.1 Information which a worker reasonably believes tends to show one or more of the situations given in Section 3.2 should promptly be disclosed to the Chief Operating Officer (COO) so that any appropriate action can be taken. In the case of a Prevent-related disclosure, the COO must liaise with the College's Safeguarding Lead to ensure that the Safeguarding procedure is followed.
- 6.1.2 If the disclosure relates to a member of the College Executive, a worker can raise the issue with the Principal.
- 6.1.3 If the disclosure relates to the Principal, a worker can raise the issue with the Chair of the Corporation.
- 6.1.4 It is important that workers follow exactly this line of reporting. Failure to do so will mean that The College may not be able to guarantee absolute confidentiality if the worker has made a disclosure elsewhere.
- 6.1.5 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:
- 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.
- 6.1.6 A worker has the right to make a disclosure to an appropriate external body – see Section 9 for further details.
- 6.1.7 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Chief Operating Officer.

7. PROCEDURE FOR INVESTIGATION OF A DISCLOSURE

NB Does not apply to Safeguarding and Prevent-related issues – the Safeguarding and Managing Allegations procedure will take precedence in such cases.

- 7.1 When a worker makes a disclosure The College will acknowledge its receipt, in writing, within a reasonable time.
- 7.2 The College will then determine whether or not 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 reasons 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.
- 7.3 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 could include internal investigation; referral to The College’s auditors; or referral to relevant external bodies such as the police, Health and Safety Executive or the Information Commissioner’s Office.
- 7.4 If appropriate, any internal investigation would 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.
[Guidance note: Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer to investigate the concern].
- 7.5 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 the recommendations are implemented unless there are good reasons for not doing so.
- 7.6 The worker making the disclosure will be notified of the outcome of any action taken by The College under this policy and procedure within a reasonable period of time. If the worker is not satisfied that their concern has been appropriately addressed they can appeal against the outcome by raising the issue with the Chair of the Corporation within 5 working days. The Principal or Chair of the Corporation will make a final decision on action to be taken and notify the worker making the disclosure.
[Guidance note: The procedure should encourage the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation. All communications with the worker making the disclosure should be in writing and sent to the worker’s home address rather than through The College’s internal mail. If investigations into the concern are prolonged The College should keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion].

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.
- [Guidance note: For confidentiality purposes, if the worker requests to raise their concern verbally, it would be appropriate for The College to allow the worker to do so.]*
- 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 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or 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 of The College without reasonable grounds.
- 8.4 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.

9. DISCLOSURE TO EXTERNAL BODIES

- 9.1 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.
- 9.2 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](#).
- 9.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 9.4 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.

10. ACCOUNTABILITY

- 10.1 The College will keep a record of all concerns raised under this policy and procedure (including cases where BPC deems that there is no case to answer and therefore that no action should be taken) and will report to the Board of the Corporation on an annual basis as appropriate.

11. FURTHER ASSISTANCE FOR WORKERS

- 11.1 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 Chair of the Corporation.

- 11.2 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 Chief Operating Officer. Such a request would be made in confidence.
- 11.3 Workers can also contact the charity, Public Concern at Work, for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers 6 - 10
Borough High Street London
SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<http://www.pcaw.org.uk>

12. EQUALITY IMPACT

<p>This policy has been examined for equality impact i.e. the impact that this policy will have on different groups of current or potential staff taking into account the protected characteristics of the Equality Act 2010 (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation).</p> <p>In undertaking the EQIA consideration has been given to the demographics and profile of the college staff.</p>		
Group	Consideration	Action – if Applicable
Age	Equal access to recruitment, personal development, promotion, retention.	Not applicable to this policy
Disability	This group are more likely to require reasonable adjustments to be made in relation to attendance at formal meetings	Consideration will be given to requests for reasonable adjustment such as physical access; format of information, timing of meetings, requirement for personal assistance, requirement for interpreter and/or induction loop system.
Gender	Equal access to recruitment, personal development, promotion, retention.	Not applicable to this policy
Gender re-assignment	Equal access to recruitment, personal development, promotion, retention. Maintenance of confidentiality about an individual's sexuality	Not applicable to this policy
Marriage and Civil Partnership	Equal access to recruitment, personal development, promotion, retention.	Not applicable to this policy
Pregnancy and Maternity	Equal access to recruitment, personal development, promotion, retention.	Not applicable to this policy
Race	Representation in the College workforce mirrors representation in the local community	Consideration will be given to requests for reasonable adjustment such as requirement for interpreter
Religion or Belief	Prayer facilities. Dietary requirements. Time off for religious festivals / Sabbath. Respect for dress codes	Consideration will be given to requests for reasonable adjustment such as timing of meetings,
Sexual Orientation	Recognitions and respect of individual's sexuality. Recognition of same sex relationships. Maintenance of confidentiality about an individual's sexuality	Not applicable to this policy
Carers		Consideration given / reasonable steps taken to accommodate requirements such as timing of meetings
<p>In considering application of the policy College managers, with the support of Human Resources:</p> <ul style="list-style-type: none"> • are aware of the need to eliminate discrimination, advance equality of opportunity and foster good relations; • are aware of the equality duty and will ensure due consideration is given to equality when making decisions. • known to have due regard to equality by consciously thinking about how this decision could have an impact on different equality groups and to identify any potential opportunities to promote equality. 		