



Public Interest Disclosure Policy ('Whistleblowing')

Version:	1
New or Replacement:	Replacement
Approved by:	Director of People & Organisational Development
Date approved:	30 March 2023 (Corporation)
Effective date:	31 March 2023
Author:	Alison Henderson, Interim Director of People & Organisational Development
Responsible Committee:	SLT
Corporation Committee (if applicable):	Audit Committee (20 March 2023)
Date of next review:	March 2026
Equality Impact Assessment Date:	N/A
Lead responsibility:	Director of People & Organisational Development
Policy Category:	People & Organisational Development

1. Purpose

- 1.1. Ealing Hammersmith & West London 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, the examples of these are listed under Specific Subject Matter in Section 4.1.
- 1.2. The College encourages workers to raise genuine concerns at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns with the College.
- 1.3. This policy and procedure also aims to encourage workers to raise genuine concerns through internal College procedures without fear of them being subject to a detriment. The law allows workers to raise such concerns externally and this policy provides information about how this can be done.
- 1.4. A failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.5. 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 made in bad faith.
- 1.6. 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.
- 1.7. This policy should be read in conjunction with the college's Safeguarding Policy which sets out the procedures for allegations made against staff members or for Low Level Concerns. All workers should be aware they can and should raise concerns where appropriate, and that such concerns should be raised directly with the Designated Safeguarding Lead. The only exception to this procedure is when a concern is raised about the Principal and Chief Executive, in which case the Chair of Governors should be contacted directly.
- 1.8. This policy and procedure is designed for the use of workers at the College.

2. Scope

- 2.1. This policy applies to all employees of the College, including apprentices; and
- 2.2. Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and
- 2.3. Agency workers engaged by the College.
- 2.4. 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 Director of People and Organisational Development in confidence for advice.

3. Overarching Principle(s)

3.1. Protected disclosures

- 3.1.1. The law protects workers who, out of a sense of public duty, want to make a Public Interest Disclosure as listed in Section 4.1.

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 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 just an allegation of 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:

- a) That a criminal offence has been committed, is being committed or is likely to be committed.
- b) That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- d) That the health or safety of any individual has been, is being, or is likely to be, endangered.
- e) That the environment has been, is being, or is likely to be, damaged.
- f) That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

3.3. *Procedure for making a disclosure*

3.3.1. Information which a worker reasonably believes tends to show one or more of the definitions given in Section 4 should promptly be disclosed to their line manager so that any appropriate investigations can take place. If the information relates to the safety of a student or inappropriate behaviour towards students from a staff member, the information should be given directly to the Designated Safeguarding Lead or Director of People and Organisational Development.

3.3.2. If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with their Director or the Director of People and Organisational Development.

3.3.3. If the disclosure relates to a member of the Senior Management Team, a worker can raise the issue with the Clerk of the Corporation or the Director of People and Organisational Development.

3.3.4. In the event that the disclosure relates to the Principal and Chief Executive or the Clerk of the Corporation, a worker can raise the issue with the Chair of the Board of Governors.

3.3.5. 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 or if the person making the disclosure does not give permission for their name to be linked with the disclosure in light of the following considerations:

- a) The seriousness of the issues raised in the disclosure.
- b) The credibility of the concern; and
- c) How likely it is that the concern can be confirmed from attributable sources.

- 3.3.6. When disclosures are made by workers to line managers, Heads of Department or Director, they in turn must notify the Director of People and Organisational Development who will inform the Clerk to the Corporation and the Chief Executive at the earliest opportunity. The Clerk will be responsible for notifying the Chair of the Corporation and the CEO where appropriate.
- 3.3.7. 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 Director of People and Organisational Development or Clerk to the Corporation.

3.4. *Procedure for investigation of a disclosure*

- 3.4.1. When a worker makes a disclosure, its receipt will be acknowledged in writing within 5 working days, by the Clerk to the Governors or the Director of People and Organisational Development who should both be advised of the disclosure immediately.
- 3.4.2. Within 10 working days of receipt of the disclosure, the College will determine whether it is a qualifying disclosure. If the College considers that the disclosure does not 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 include the following:
- a) If the matter alleged does not qualify as a Disclosure under the legislation; or
 - b) If the College is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
 - c) If the matter is already the subject of legal proceedings or appropriate action by an external body; or
 - d) If the matter is already subject to another, appropriate College procedure.
- 3.4.3. When a worker makes a disclosure which has sufficient substance or merit warranting further action, the College will take the action it deems appropriate (including action under any other applicable College policy or procedure) within 10 working days.
- 3.4.4. 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. The Corporation's Audit Committee may also be notified.
- 3.4.5. If appropriate, any internal investigation would be conducted by a manager of the College without any direct association with the individual or Department to whom the disclosure relates, and at Head of Department level or above. If appropriate, an external investigator may be appointed by the College.
- 3.4.6. Unnecessary delays in taking action under 6.3 will be avoided. However, it should be noted that different types of concern will require varying times to investigate and therefore a degree of flexibility around timescales should be expected.
- 3.4.7. Any recommendations for further action made by the College will be addressed to the Principal or Chair of the College's Board of Governors 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.

- 3.4.8. 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.
- 3.4.9. 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 Principal and Chief Executive within 10 working days. The Principal and Chief Executive will make a final decision on action to be taken and notify the worker making the disclosure.
- 3.4.10. Where the disclosure relates to the Principal and Chief Executive or the Clerk of the Corporation, any appeal should be to the Chair of the Corporation.
- 3.4.11. 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.

3.5. *Safeguards for workers making a disclosure*

- 3.5.1. A worker making a disclosure under this procedure can expect their concern 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 knowledge.
- 3.5.2. In order to investigate the disclosure it may be necessary to disclose the name of the person who has made the allegation to those who are being investigated. If permission is withheld this may be a reason to review further proceedings (see Paragraph 5.5).
- 3.5.3. If for confidentiality reasons the worker requests that their concern is raised verbally, the College will allow the worker to do so.
- 3.5.4. 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.
- 3.5.5. 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, vexatiously, or in bad faith or where a disclosure is made external to the College without reasonable grounds.
- 3.5.6. 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.

3.6. *Disclosure to external bodies*

- 3.6.1. 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.
- 3.6.2. 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.

- 3.6.3. Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 3.6.4. 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.

3.7. *Accountability*

- 3.7.1. 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). The Clerk to the Corporation will report to the College's Board of Governors on an annual basis as appropriate.

3.8. *Further assistance for workers*

- 3.8.1. 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 Principal and Chief Executive.
- 3.8.2. A worker making a disclosure may want to confidentially request counselling or other support from the College's Employee Assistance Programme. Any such request for counselling or support services should be addressed to the Director of People and Organisational Development. Such a request would be made in confidence.
- 3.8.3. 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>

3.9. *Monitoring*

- 3.9.1. It will be the responsibility of the Director of People and Organisational Development to monitor the effectiveness of this policy by:
- a) Assessing the nature and frequency of disclosures and identifying any patterns which need to be addressed
 - b) Monitoring individual disclosures to ensure they are effectively resolved
- 3.9.2. As part of the process, the Director of People and Organisational Development will consult with the Board of Governors and trade unions on changes to this procedure
- 3.9.3. Whilst this policy is to be followed by all employees of the College, it does not form part of an employee's contract of employment.

4. **Relevant Legislation / Regulation**

- 4.1. The following legislation and regulations apply to this policy / procedure:
- The Public Interest Disclosure Act 1998 (PIDA)

- Employment Rights Act 1996 Article 10 of the European Convention on Human Rights. (The Human Rights Act 1998 may be replaced or revised following Brexit).

5. Related Documents

5.1. This Public Interest Disclosure policy is provided to complement existing College policies and should be considered in conjunction with other key policies, which include (but are not limited to):

- Grievance Policy
- Safeguarding Policy
- Code of Conduct
- Modern Slavery Policy

6. Accountability

6.1. The Director of People and Organisational Development is responsible for the drafting and implementation of this policy.

6.2. He or she is also responsible for ensuring that this document is regularly reviewed and updated – and is the first contact point for managers seeking advice and guidance about the Public Interest Disclosure Policy ('Whistleblowing') or making enquiries about its interpretation.

6.3. All managers are responsible for ensuring that they and their team members follow the requirements set out in this document.

6.4. All employees are responsible for adhering to the requirements set out in this document.

7. Equality, Diversity & Inclusion

7.1. The College has paid due regard to equality considerations during the preparation and implementation of this Policy.

7.2. These considerations included the potential for any differential negative effect on the grounds of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, sexual orientation, marriage or civil partnership.

7.3. The College's judgement is that there is no such negative effect on those grounds and, consequently, no potential breach of the Equality Act 2010.

7.4. The operation of this Policy and Procedure will be monitored by the Executive Director of People and Organisational Development in order to establish that no unlawful discrimination is taking place and to identify opportunities for the College to enhance equality of opportunity and fair treatment.

8. Review

8.1. This document will be reviewed by March 2026.

- 8.2. The Executive Director of People and Organisational Development will undertake this review, taking into account the outcomes of the monitoring process, legislative changes and developments in good practice.
- 8.3. As part of the review, the Executive Director of People and Organisational Development will seek and consider the views of the College's employees and, where appropriate, of the recognised trade unions.
- 8.4. The outcome of the review will be reported to the Senior Leadership Team.

9. Policy Category

Category [select ONE only]	<input type="checkbox"/> Business Development, Marketing and Subcontracting <input type="checkbox"/> Corporation <input type="checkbox"/> Data Protection <input type="checkbox"/> Equality & Diversity <input type="checkbox"/> Estates / Facilities <input type="checkbox"/> Executive Support, Administration and Reception <input type="checkbox"/> Finance <input type="checkbox"/> Health and Safety <input type="checkbox"/> International <input type="checkbox"/> IT Services <input type="checkbox"/> Management Information Systems <input checked="" type="checkbox"/> People and Organisational Development <input type="checkbox"/> Quality <input type="checkbox"/> Student Services & Safeguarding
Audience [select ALL that apply]	<input checked="" type="checkbox"/> Employees <input checked="" type="checkbox"/> Governors <input type="checkbox"/> Learners <input type="checkbox"/> Partners <input type="checkbox"/> Suppliers