

## HUMAN RESOURCES POLICY AND PROCEDURES

### WHISTLEBLOWING POLICY AND PROCEDURE

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#### 1 Introduction

- 1.1 The aim of this Policy is to encourage employees and workers who have serious concerns about any aspect of HRC's work to come forward and voice those concerns.
- 1.2 This policy and procedure applies to all workers of the College including employees, officers, apprentices, volunteers, consultants, contractors, casual workers and agency workers.
- 1.3 It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. HRC therefore encourages all workers to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy and procedure provide workers with a means for raising concerns of suspected malpractice, dangers at work, breaches of the law and other serious wrongdoings and how those concerns will be dealt with.
- 1.4 HRC ensure that all partner organisations have their own Whistleblowing Policy prior to the signing of any contracts. Employees of partner organisations should use this policy in the first instance unless they feel it is inappropriate / they are involved in the suspected wrongdoing.

#### 2 Background

- 2.1 The law provides protection for employees who, raise legitimate concerns about specified matters, in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker 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 worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

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- 2.2 A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.
- 2.3 HRC encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR Services Department.

### 3 Principles

The principles of openness and accountability, which underpin legislation protecting whistleblowers are reflected in this policy and procedure.

- 3.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 3.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially. All concerns will be treated in confidence and every effort will be made not to reveal identity if that is the wish, maintaining anonymity if necessary, and the outcome of the investigation reported back to the worker who raised the issue.
- 3.3 No worker 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 worker will not be prejudiced because he/she has raised a legitimate concern.
- 3.4 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 3.5 If misconduct is discovered as a result of any investigation under this procedure HRC's disciplinary procedure will be used, in addition to any appropriate external measures.
- 3.6 Maliciously making a false allegation is a disciplinary offence.
- 3.7 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, workers should not agree to remain silent. They should report the matter to a director.
- 3.8 This procedure is for disclosures about matters of suspected wrongdoing and that such a disclosure is in the public interest. If the worker has a complaint regarding their personal circumstances that do not affect anyone else, he/she should use the organisation's grievance procedure.
- 3.9 HRC operate within the principles of the Nolan Principles of Public Life (Appendix 1) and any whistleblowing should take these principles into consideration.

### 4 Raising a concern – the procedure

- 4.1 All parties will agree that concerns raised will be kept confidential (as far as reasonably practicable to progress the complaint) while the procedure is being used.

#### 4.2 Step 1

Where possible you should raise any matter of concern, serious or otherwise with your line manager. This may be done either verbally or in writing.

#### Step 2

If due to the seriousness and sensitivity of the issues involved or for any reason you feel unable to raise the matter with your line manager, you should contact your line manager's line manager.

#### Step 3

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If these steps have been followed and you still feel you have concerns, or that they have not been addressed, or that you cannot discuss the matter with any of the above then you should contact – the Director of HR and Corporate Development.

If the matter of concern is related to the Director of HR and Corporate Development, this should be raised with the Principal & CEO.

If the matter of concern is related to the Principal & CEO, this should be raised with the Chair of Governors.

- 4.3 When raising your concern, it is helpful for you to provide an explanation with as much detail as possible including dates and times of incidents, any eye-witness details and any supporting documents that you have. Please complete the form detailed Appendix 2.

## 5 What happens next

- 5.1 The person who you raise the concern to, will listen to and consider your concern in full and determine whether any action is needed. This may mean reporting it to a more senior member of staff.
- 5.2 We will try to keep you informed about the actions that we are taking in relation to the concern including how we propose to deal with the matter, whether we need further assistance from you, any action that is taken and the outcome of the investigation. However, we may not be able to provide you with much detail where we have a duty to keep the confidence of other people.
- 5.3 If on conclusion of stages 1, 2 and 3 and where attempts to raise matters internally have been unsuccessful or, exceptionally, you feel you cannot raise the concerns internally, you may consider raising the matter with the relevant regulatory authority. The legislation sets out a number of bodies, “prescribed persons” to which qualifying disclosures may be made.

These include:

- The Secretary of State for Education
- NSPCC
- The Chief Inspector of Ofsted
- The Police
- HM Revenue & Customs
- The Financial Conduct Authority
- The Competition and Markets Authority
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office.
- The Information Commissioner
- Ofqual

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## 6 Support for whistleblowers

- 6.1 Whistleblowing may be very difficult. We will take every step to ensure we protect and support whistleblowers internally. However, we recognise that people may feel more comfortable seeking external support in this situation.
- 6.2 We would encourage whistleblowers to contact the free, confidential employee assistance programme (Life Works) on **0800 169 1920** or Online: <https://login.lifeworks.com> for external support at any time before, during or after whistleblowing.

## 7 Data Protection

- 7.1 When an individual makes a disclosure, HRC will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## 8 Monitoring and Review

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.

This procedure will be periodically reviewed by the owner. Any amendment to it will be notified to employees in writing by the HRC's HR Department and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the organisation's intranet.

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## Appendix 1

### THE SEVEN PRINCIPLES OF PUBLIC LIFE (THE NOLAN PRINCIPLES)

The Principles are:

#### 1. Selflessness

Holders of public office should act solely in terms of the public interest.

#### 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### 6. Honesty

Holders of public office should be truthful.

#### 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

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**Appendix 2**

<b>Making a public interest disclosure (whistleblowing)</b>	
<p>This form is intended for use by any individual working for HRC (including contractors, agency workers and volunteers) who wishes to raise an issue about wrongdoing.</p> <p>This form should be used to report wrongdoing within HRC (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).</p> <p>If you are unsure about whether your concerns are best dealt with under the HRC's whistleblowing policy or grievance procedure, please read the whistleblowing policy, which provides examples of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult with the Director of HR and Corporate Development for further advice.</p> <p>Once you have submitted this form, HRC's whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated below.</p> <p>In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the college will respect a request for anonymity, but cannot guarantee that it will be able to do so.</p> <p>This form should be completed and delivered to Director of HR and Corporate Development in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p>	
<b>Formal public interest disclosure (whistleblowing)</b>	
<b>Your name:</b>	
<b>Your job title:</b>	
<b>Your department name:</b>	
<b>Date:</b>	
<b>Does your public interest disclosure relate to your line manager?</b>	Yes/No
<b>Summary of disclosure:</b>	

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<p>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.</p>	
<b>Individuals involved:</b>	
<p>Please provide the names and contact details of any people involved in your concerns, including witnesses.</p>	
<b>Outcome requested:</b>	
<p>Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.</p>	
<b>Declaration:</b>	
<p>I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.</p>	
<b>Form completed by:</b>	
<b>Signature:</b>	



For completion by the organisation:	
Date form received by the organisation:	
Name of recipient and job role:	
Signature:	