



**Buckinghamshire  
College Group**

# **Whistleblowing Statement of Policy & Procedure 2022-25**

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# Buckinghamshire College Group

## Statement of Policy & Procedure – Whistleblowing

### 1. Introduction

#### 1.1 Definition

Whistleblowing is when an employee or worker (referred to as an employee for these purposes only) reports certain types of wrongdoing or misconduct within the College. The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. students, general public.

#### 1.2 Qualifying disclosures

The wrongdoing must relate to or show one of the following:

- committing a criminal offence
- failing to comply with a legal obligation
- a possible miscarriage of justice
- endangering the health and safety of an employee
- damaging the environment
- misuse of public money
- corruption or unethical conduct
- abuse of students or other users
- deliberate concealment of any of these matters
- any other substantial and relevant concern

The concern could be about something that happened in the past, is currently happening or likely to happen in the future.

Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the College's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

Employees must reasonably believe that the disclosure is “**in the public interest**”. The College encourages you to use this policy to raise any such concerns.

If an employee has a protected disclosure ‘**in the public interest**’ to raise, they should do this to either the Executive Director – HR or the Principal.

All employees will be protected from discrimination should they raise any concerns.

### 2. Confidentiality

The College will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However:

- Concerns can be raised anonymously, but the College may not be able to take it further if they haven't been provided with all the information they need.
- Where the evidence of any malpractice is dependent on your evidence/statement, although every effort will be made to protect your identity, it may need to be disclosed as your evidence may form part of subsequent criminal or disciplinary proceedings.

### 3. Procedure Steps

This procedure applies to qualifying disclosures other than a breach of an employee's own contract of employment whereby he/she should use the College's grievance procedure.

#### 3.1 Step 1:

Should an employee have evidence or genuinely suspect wrong doing in the College; he/she should approach and disclose this to the Executive Director – HR and/or the Principal. Where the concern relates to the Executive Director – HR or the Principal then concerns should be raised with the Chair of Governors. This can be done in writing (**Appendix 1**) or verbally and reference to this policy should be made.

Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights.

If an employee does not report their concerns to the College, they should take them direct to the appropriate organisation or regulatory body with authority for that area.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by College upon appointment of an Independent Investigative Officer
- an investigation by the Internal Audit Service
- a referral to the Police
- the setting up of an external independent inquiry.

The Executive Director – HR or the Principal will be responsible for liaising with the employee and the IIO. The following actions will be taken:

- Acknowledge the concern in writing within 10 working days
- Assess whether the disclosure is appropriate to be dealt under this policy or the grievance policy
- Initial enquiries will be made to decide whether an investigation is appropriate
- Appoint an independent investigator officer (IIO) to carry out a full, confidential and prompt investigation, including gathering as much information as possible from the employee regarding their concerns, including whether they have any supporting evidence or can identify any witnesses (Appendix 2)
- IIO to give an estimate of how long it is anticipated to take to provide a final response
- IIO to report the outcome of the investigation to the Executive Director - HR and/or the Principal.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

Full details of the investigation may be withheld from you to protect the confidentiality of other people.

The investigation report will be discussed between the Investigating officer, the Executive Director – HR and the Principal.

Outcome of the investigation may be:

- To instigate disciplinary proceedings

- Contacting appropriate external body/ies (3.2. Further Recourse)
- No further actions

Once the investigation is complete, IIO will report back the outcome of the investigation to the employee who made the disclosure and write to them confirming the outcome, copying the Executive Director – HR and/or the Principal or the Chair of Governors as appropriate.

### **3.2 Step 2 - Further Recourse**

You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Environment Agency
- Ofqual
- Secretary of State for Education.
- your trade union
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Equality and Human Rights Commission

If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed.

In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies listed above may not be protected disclosures under the Act.

You have a duty to the College not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Protect (previously called Public Concern at Work) on 020 3117 2520 or [www.protect-advice.org.uk](http://www.protect-advice.org.uk) in accordance with the provisions of the Public Interest Disclosure Act 1998.

## **4. Formal Action**

Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

## **5. Protection against detrimental treatment**

All employees who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

## Equality Impact Statement

We have a duty to consider the impact of changes on groups with Protected Characteristics (race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership).

What are the overall aims of the change? Why are you proposing it?	The aim of this policy is to provide a framework to report any incidents of whistleblowing.
Given the aims of your proposal, what issues does your data/information highlight?	Everybody is included within this policy, and all groups are given equability in regards to their needs and provisions
How could the proposed change affect positively/negatively on groups with protected characteristics?	This has a positive impact on all groups with protected characteristics, as they are ensured equal treatment and provision based on their needs. Risk assessments may be carried out to ensure that this is the case and provisions maybe altered to accommodate specific needs
What actions will you take to mitigate any negative impact?	No negative impact to having these guidelines
Is there any potential negative impact justified in light of wider benefits of the proposal	No negative impact to having these guidelines
Recording final decision	This policy requires Executive approval
Has the policy taken into consideration the requirements of GDPR regulations? Are there any actions that need addressing, e.g.; data sharing agreement; has data consent been considered; data retention timescales?	GDPR regulations have been considered and actions comply with data protection requirements.

## Appendix 1 – Form for an employee to make a whistleblowing disclosure

<b>Whistleblowing disclosure</b>	
<p>If you are unsure whether your disclosure concerns a whistleblowing matter, refer to our whistleblowing policy for more details.</p> <p>In some cases, a disclosure relating to a personal matter will be classed as a grievance. If this is the case, we will confirm that your concerns will be dealt with under our grievance policy.</p> <p>Any employee who makes a whistleblowing disclosure will be protected against any detrimental treatment, up to and including a dismissal, on the basis that they have made this disclosure. If, however, the employee knowingly makes a false allegation, this may result in disciplinary action being taken against them.</p>	
<b>Employee name:</b>	
<b>Job title:</b>	
<b>Line manager:</b>	
<b>Please provide the names and job titles of any person your disclosure relates to:</b>	
<b>Please provide full details of your concerns including details of any incidents, any relevant policies or documents, any previous action taken, etc:</b>	
<b>Please provide details of any witnesses to these matters:</b>	
<b>If you have a preferred outcome to this matter, please outline this below:</b>	
<p>By signing this form, you confirm that you are making this disclosure in line with our whistleblowing policy and understand that this matter will be dealt with under this procedure.</p>	
<b>Signed:</b>	
<b>Date:</b>	
<b>For College use only:</b>	
<b>Received by:</b>	
<b>Date received:</b>	

## Appendix 2 - Form to record a whistleblowing investigation

This form is to be completed when investigating employee disclosures made under the whistleblowing procedure.

<b>Employee name:</b>	
<b>Job title:</b>	
<b>Line manager:</b>	
<b>Investigating officer:</b>	
<b>HR support officer:</b>	
<b>Details of disclosure</b>	
<i>Date:</i>	
<i>Location:</i>	
<i>Account of alleged events:</i>	
<b>Witness interviews held</b>	
<b>Details of evidence reviewed</b>	
<b>Findings</b>	
<b>Conclusion (tick as appropriate)</b>	
Investigation finds no evidence to support disclosure: no further action to be taken	
Investigation finds evidence to support disclosure: formal action to be instigated	
<b>Additional comments/recommendations</b>	
<b>Investigating officer signed:</b>	
<b>Date:</b>	
<b>HR support officer signed:</b>	
<b>Date:</b>	