



**Buckinghamshire  
College Group**

# **Whistleblowing Statement of Policy & Procedure 2020 - 22**

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# Buckinghamshire College Group

## Statement of Policy & Procedure – Whistleblowing

### 1. Introduction

#### 1.1 Definition

Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Company is responsible for or taken part in some wrongdoing.

Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

#### 1.2 Qualifying disclosures

Certain disclosures are prescribed by law as “*qualifying disclosures*”. A “*qualifying disclosure*” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the College has committed a “relevant failure” by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- environmental damage or
- concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to damage that has happened, is happening, or is likely to happen. The College will take any concerns that you may raise relating to the above matters very seriously.

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

Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the College’s grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, ie it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the grievance policy.

If an individual is not sure whether to raise a concern, he/she should discuss the issue with his/her line manager or the human resources department. All individuals will be protected from discrimination should they raise any concerns with a Senior Member of staff or members of the Human Resources department.

### 2. Procedure Stages

This procedure applies to disclosures other than a breach of an employee's own contract of employment whereby he/she should use the College's grievance procedure. The College will endeavour to maintain the whistle blower’s identity confidentiality (although no absolute promise of confidentiality can realistically be made).

#### 2.1 Stage 1:

Should an employee have evidence or genuinely suspect wrong doing in the College; he/ she should approach and disclose this to his/her line manager or their line manager where the concern relates to your line manager or it is not appropriate to make the report to your line manager. This can be done in writing (**Appendix 1**) or verbally and reference to this policy should be made.

If you do not report your concerns to your line manager, you should take them direct to the appropriate organisation or regulatory body with authority for that area.

The Line Manager will be responsible for liaising with the relevant HR Representative in the first instance and:

- Assess whether the disclosure is appropriate to be dealt under this policy
- Conduct 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)
- Reporting back the outcome of the investigation to the employee who made the disclosure
- Report the outcome of the investigation to a member of the Executive Team

The investigation report will be discussed between the Investigating officer (usually the Line Manager), the HR Representative and a member of the Executive Team.

Outcome of the investigation may be:

- To instigate disciplinary proceedings
- Contacting appropriate external body/ies (see examples under stage 3 of external authorities)
- No further actions

Once the investigation is complete, the investigation manager will write to the employee confirming the outcome.

## **2.2 Stage 2:**

An employee may progress to stage 2 of this procedure under the following conditions:

- If there are concerns of failure to make a proper investigation or report the outcome of the investigations to the Executive at stage 1
- If there is suspicion that the Line Manager may be involved in the matter and therefore it is appropriate to move straight to stage 2.

At stage 2, the same process applies as at stage 1 with the exception that the employee/ person who has concerns may make a protected disclosure under this policy to their HR Representative.

The HR Representative will therefore be responsible for allocating an investigation officer and ensure that the process is followed promptly and confidentially as stated at stage 1.

At this stage, the Principal/Chief Executive will be involved to ensure that the investigation is conducted fairly and thoroughly. Again, the outcome of the investigation will be shared with the employee who has made the disclosure and Directorate.

## **3. Further Recourse:**

If the employee is not satisfied with the explanation or outcome from Stage 2, they may raise the matter with the appropriate official organisation or regulatory body. The legislation sets out a number of bodies to which protected disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Environment Agency.

#### **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 equality 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, please speak to your line manager or refer to our whistleblowing policy for more information.</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 individual 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 individual knowingly makes a false allegation, this may result in disciplinary action being taken.</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>	