



Whistleblowing Policy

Author: Head of Governance
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1. Introduction

- 1.1 Harlow College wishes to promote high standards of accountability, honesty and integrity and a culture of openness. Members of staff have an important role in helping to achieve these standards, acting responsibly in order to uphold the reputation of the College and to maintain public confidence and raising issues of concern in a responsible way. Harlow College is committed to operating in accordance with its values. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings that are in the public interest.
- 1.2 Harlow College encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns internally in the first instance about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage staff members to raise genuine concerns through internal Harlow College procedures without fear of adverse repercussions being taken against them.
- 1.4 Staff members should not use this policy and procedure for personal complaints relating to their own circumstances, such as the way they have been treated at work. If such a case arises, the grievance procedure should be used.
- 1.5 The principles of openness and accountability which underpin legislation protecting the whistleblower are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 Harlow College students are also encouraged to raise genuine concerns about suspected wrongdoing using the College's complaints procedure. This policy and procedure are designed for the use of staff members of the College.
- 1.7 This policy does not form part of any staff member's contract of employment and the policy may be amended at any time without advance notice.

2. Purpose and Scope

- 2.1 All colleges face the risk of things going wrong or of unknowingly harbouring wrongdoing and malpractice. We take wrongdoing and malpractice very seriously and are committed to conducting our institution with honesty and integrity and we expect all staff to maintain high standards too. We encourage open communication from all those who work for us and we want everyone to feel secure about raising concerns.
- 2.2 All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection. It does not matter if an individual who raises a concern is mistaken about it - staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest

and that the information they have tends to show some wrongdoing or malpractice (set out in more detail at Section 3 of this policy).

- 2.3 This policy applies to all our employees, officers, consultants, contractors and to other workers including agency workers, casual workers, volunteers and interns.

3. When to Use This Policy

- 3.1 There is a difference between whistleblowing and raising a grievance:

3.1.1 whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens students, third parties or the public generally; but

3.1.2 a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

- 3.2 This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use our Grievance Procedure in the first instance.

4. Wrongdoing and Malpractice Covered by This Policy

- 4.1 Whistleblowing is the disclosure of information about suspected wrongdoing or dangers at work, which is in the public interest. A whistleblower is someone who raises a genuine concern about wrongdoing or malpractice or danger so that problems can be identified and resolved quickly. The kinds of wrongdoing or malpractice covered by this policy include that any of the following have occurred, are occurring or are likely to occur:

4.1.1 criminal offences, including those in relation to bribery and corruption and tax evasion facilitation;

4.1.2 miscarriages of justice;

4.1.3 danger to the health and safety of any individual;

4.1.4 damage to the environment;

4.1.5 breach of any legal obligation, including those in relation to bribery and corruption and tax evasion facilitation;

4.1.6 deliberately concealing any of the above.

5. Our Guarantee

- 5.1 We are committed to the principles set out in this policy. If you use this policy to raise a concern, we give you our assurance that you will not suffer any form of retribution or detrimental treatment. We will treat your concern seriously and act according to this policy.

- 5.2 If you ask for a matter to be treated in confidence, we will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with your consent.

6. Procedure for Raising a Concern

- 6.1 If you are concerned about any form of wrongdoing or malpractice covered by this policy, you should normally raise the issue with your immediate superior. If you feel you cannot tell your immediate superior, for whatever reason, you should raise the issue with your Head of Academy or the Executive Director of Human Resources.
- 6.2 If the disclosure relates to a Senior Postholder (the Principal and Chief Executive or the Deputy Principal), a staff member can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance, a staff member can raise the issue directly with the Chair of the Corporation.
- 6.3 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide, as a minimum, details of the nature of the concern and why you believe it to be true, and the background and history of the concern (giving relevant dates where possible).
- 6.4 You may wish to consider discussing your concern with a colleague or trade union representative before raising it formally under this policy but remember that once you have raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

7. Responding to Concerns Raised

- 7.1 We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally and as soon as reasonably possible. We will arrange a meeting as soon possible to discuss the concern raised. You may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.
- 7.2 After the meeting, we will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage. If appropriate, any internal investigation would be conducted by a manager of Harlow College without any direct association with the individual to whom the disclosure relates. External investigators may be brought in where necessary. We will endeavour to complete any investigations within a reasonable time.
- 7.3 We will keep you informed of the progress of the investigation carried out and when it is completed, and give you an indication of timings for any actions or next steps that we will take, but we cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

- 7.4 While we cannot always guarantee a particular outcome, the College will try to deal with the concern raised fairly and in an appropriate way. If the staff member is not satisfied that their concern has been appropriately addressed, they can raise the issue with the Chair of the Board of Governors (or person nominated by them if the complaint was originally handled by the Chair). The Chair of the Board of Governors (or person nominated by them e.g. Chair of Audit Committee) will make a final decision on action to be taken and notify the staff member making the disclosure.

8. Confidentiality

- 8.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.
- 8.2 The College hopes that staff will be comfortable with identifying themselves when making a disclosure and steps will be taken to preserve confidentiality. 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 may have difficulty in undertaking an investigation and/or establish whether the complaint is credible. It is for those reasons that we do not encourage staff to make disclosures anonymously. If staff members wish to raise their concern confidentially, the College will make every effort to keep their identity secret and only reveal it where necessary – for example, to those involved in investigating their concern.

9. Raising Your Concern Externally (exceptional cases)

- 9.1 The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. We would expect that in almost all cases raising concerns internally would be the most appropriate course of action.
- 9.2 If for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator (e.g. Ofsted/Department for Education/Education and Skills Funding Agency) or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect (formerly known as Public Concern at Work) (see Section 11, Further Information and Contacts, below) and on the GOV.UK website at:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 9.3 We strongly encourage any individual to seek appropriate advice before reporting a concern to anyone external. Protect (formerly known as Public Concern at Work) is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and

operate a confidential helpline. See Section 11, Further Information and Contacts, below.

- 9.4 All staff should feel able to raise concerns about poor or unsafe practice and potential failures in the College's safeguarding regime and know that such concerns will be taken seriously. Where a staff member feels unable to raise an issue, the NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk
- 9.5 Where staff have safeguarding concerns about other staff and they feel unable to follow the College's internal reporting procedures, they can contact the Local Authority Designated Officer ("LADO") directly to raise these concerns. The contact number for the Essex Duty LADO is 0330 139 797.

10. Protection and Support for Those Raising Concerns

- 10.1 We are committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 10.2 Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If you believe that you have suffered such treatment, you should inform the Executive Director of Human Resources or the Head of Governance immediately. If the matter is not dealt with to your satisfaction, you should raise it formally using our Grievance Procedure.
- 10.3 No member of staff must threaten or retaliate against an individual who has raised a concern and we will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action and in some cases may be liable to a claim for compensation brought against them personally.
- 10.4 A staff member making a disclosure may want to request counselling or other support from the College. Any such request for counselling or support services should be sought from the Human Resources Department and will be dealt with confidentially.
- 10.5 To ensure the protection of all our staff, those who raise a concern maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true they will be subject to disciplinary action.

11. Further Information and Contacts

- 11.1 If you have any queries about the application of this policy, please contact Executive Director of Human Resources or the Head of Governance. in the first instance.
- 11.2 Relevant regulators may include:

Name of regulator	Contact details
Her Majesty's Chief Inspector of Education, Children's Services and Skills	The Chief Inspector Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk
Secretary of State for Education/Education and Skills Funding Agency	Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe
The Health and Safety Executive	Tel: 0300 003 1647 Online form: www.hse.gov.uk/contact/concerns.htm

- 11.3 Protect (formerly known as Public Concern at Work) is a source of further information and advice at <https://protect-advice.org.uk/>. It also provides a free helpline offering confidential advice on 020 3117 2520

TRACKING and REFERENCE INFORMATION

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Author/Responsibility: Head of Governance

Equality Impact Assessment: TBA

List of related policies, procedures and other documents:

Complaints Procedure
Data Protection Policy
Disciplinary Policy & Procedure
Equality & Diversity Policy
Equality and Diversity Scheme
Freedom of Speech and Events Code of Practice
Grievance Procedure
Guidelines for Managers – Disciplinary Policy
Guidelines for Managers: handling grievance issues
Guidelines for staff on avoiding false accusations (folder: 'Guiding Principles')
Safeguarding Policy

Complaints: If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.

Monitoring: The application of this policy and associated procedure will be monitored by HR Services

Easy reading: To receive this policy/procedure in a different format, please contact HR Services