

**Whistleblowing Policy**

**City College Limited**

69 Steward Street

Birmingham

B18 7AF

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| Title  | Whistleblowing Policy | Department  | Quality  |
| Location  | Sharepoint  | Author  | PWA |
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| V.1  | PWA | May 2020  | First draft  |
| V.2 | PWA | January 2021 | Review |

**Key Person(s)**

**Managing Director**

**Associate Director for Quality and Partnerships**

**Higher Education Manager**

**Chief of Staff**

**Whistleblowing Policy**

**Policy Statement**

City College are committed to honesty, integrity, openness and accountability and we expect all our students and staff to maintain high standards in accordance with our policies and procedures. In the interests of maintaining our ethical practice we aim to promote a culture of openness and accountability. Staff and students are well positioned to raise concerns that there may be something seriously wrong within the College. ‘Whistleblowing’ is therefore viewed as a positive act that can make a valuable contribution to the Colleges’ success.

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects staff and students when making disclosures if those disclosures are made in accordance with the Act’s provisions and in the public interest. The Act makes it unlawful for City College to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

This Policy is not intended to replace existing procedures, staff and students should read this policy in context and:

* If any concerns relate to treatment as a student or staff member, they should be raised either under the Bullying and Harassment Policy
* If the concern is about services provided, it should be raised as a complaint through the standard Complaints Procedure.

The following legislation is relevant to this policy;

* Public Interest Disclosure Act 1998
* Health and Safety at Work Act 1974
* Protection of Children Act 1999
* Management of Health and Safety at Work Regulations 1999
* The Human Rights Act 1998
* Sexual Offences Act 2003
* The Children Act 2004
* Safeguarding Vulnerable Groups Act 2006
* Equality Act 2010
* Prevent Duty
* Education Act 2011
* Protection of Freedoms Act 2012
* The Counter-Terrorism and Security Act 2015
* General Data Protection Regulation 2018
* Keeping Children Safe in Education 2019

**Responsibilities**

Whistleblowers are people who report certain types of wrongdoing. This will usually be something you’ve seen in the workplace and may either relate to City College directly or one of our Stakeholders. Any wrongdoing disclosed must be in the public interest. Whistleblowers are protected by law and will not be treated unfairly because of ‘blowing the whistle’. A concern may be raised at any time about an incident that happened in the past, is happening now, or is believed will happen in the near future as a result of ongoing conduct or poor practice.

The types of concerns typically raised by whistleblowing may include but will not be limited to:

* Any activity suspected as criminal
* Any activity that puts health and safety at risk
* Any activity suspected of damaging the environment
* Any activity suspected as being a miscarriage of justice
* Any activity suspecting of involvement with bribery and corruption
* Any failure to comply with legal or regulatory obligations
* Any failure to meet professional requirements
* Any attempt to conceal one or more of these activities.

Rarely, a case might arise where the staff member or learner has participated in the action causing concern. In such a case it is in the staff member’s or learner’s interest to come into the open as soon as possible, however, the College cannot promise not to act against such person, but the fact that they came forward may be considered.

**Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of a Whistleblower. If disciplinary or other proceedings follow an investigation, it may not be possible to act without the support and evidence of the whistleblower, therefore, they may be asked to come forward as a witness.

The College encourages whistleblowers to make themselves known when making allegations as it may be much more difficult to protect the position of a whistleblower or to give you feedback if allegations are made anonymously. Concerns expressed anonymously are much less powerful but still will be considered depending on; the seriousness and credibility of the allegation and the likelihood of confirming the allegation from other sources

All allegations made in good faith and where the whistleblower reasonably believed them to be true but are subsequently found to be otherwise following an investigation, the College will take no action against the whistlblower and continue to protect their position and identity. If an allegation is made either frivolously, maliciously or for personal gain, appropriate action may be taken that could include disciplinary action.

**Process**

Following any concerns being raised and throughout this process:

* The Whistleblower will be given full support from Senior Leadership Team (SLT)
* Concerns will be taken seriously
* If appropriate, a temporary re-deployment will be provided for the period of the investigation.

Concerns should be raised as early as possible. An allegation may be raised verbally but preferably in writing or by email, giving any background and history, including relevant dates and any witnesses who may be able to support an investigation

In the first instance, an allegation should be raised with the staff member’s line manager or, a student’s tutor. However, if that line manager or tutor is involved in the wrongdoing or the person making the allegation feels unable to raise the matter through that person, the allegation should be raised with a member of the SLT, if avoidable, not the Managing Director.

An investigation will then be carried out by an appointed person such as a different member of the SLT, or, in some circumstances, an external organisation. Whislteblowers must not investigate or attempt to investigate themselves as this could result in either the destruction or contamination of evidence or put themselves at risk.

Following the investigation, the whistleblower will be informed of the outcome and what action will be taken, which may be to do nothing or to follow the full disciplinary procedure. However, the need for confidentiality may mean that full details may not be shared. Any information that is shared regarding the investigation should continually be treated as confidential.

If the whistleblower believes the allegation has not been dealt with properly or the wrongdoing is still going on, they should raise their allegation with Managing Director for further investigation.

If, on conclusion of the procedure outlined above, the whistleblower reasonably believes that the appropriate action has not been taken, the allegation should be raised with one of the following external organisations.

* The Office for Students
* The Local Safeguarding Board
* The Local Prevent Officer
* HM Revenue & Customs
* The Financial Conduct Authority
* The Health and Safety Executive;
* the Environment Agency;
* The Independent Office for Police Conduct
* The Serious Fraud Office.
* A College Stakeholder

Alerting the media of an allegation, particularly before or during an internal investigation, is almost never justified or appropriate in any situation. The College strongly discourages whistleblowers from doing so and will treat any contact with the media, directly or through social media as a serious disciplinary issue justifying dismissal unless exceptional circumstances exist

**Related policies**

This policy needs to be read in conjunction with other policies including:

* Safeguarding and Prevent Policy
* Health and Safety Policy
* Equality and Diversity Policy
* Safe Recruitment Policy
* British Values Policy
* Prevent Strategy
* Governance Code
* Fitness to Practice Policy
* Safe Recruitment Policy
* Academic Freedom Policy