

**DOCUMENT DETAILS**

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Document author	Head of People & Development Services			
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Applicability	Students		Staff	x
	Governors	x	Other	
Summary	The purpose of this document is to set out the policy and procedure for making a whistleblowing (protected) disclosure.			

DOCUMENT CONSULTATION & APPROVAL

Consultation person / body	Date passed
None	

Approval body	Date approved
Audit Committee	12.06.23
Board	03.07.23

IMPACT ASSESSMENT

A significant negative impact has been identified in the following area and a full impact assessment / risk assessment is available.

Equality & diversity	No
GDPR	No
Health & safety	No
Safeguarding	No

Friendly version of policy available	Yes
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POLICY CHANGES

Key updates	Impact	Section reference
Reformat of policy – section 1 of old policy split out into sections 1 – 5 in new format	None	
Update of job titles	None	8, 9 and 10
Addition of details on how to make a disclosure	None	9
Addition of last paragraph to section 10 – keeping colleagues updated and timing	None	10
Updates to previous policy paragraphs point 7.3 and 7.4 (now section 11)	None	11
Insert new section on confidentiality	None	12
Update to contact details for charity	None	13



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1. POLICY STATEMENT & PURPOSE

Nottingham College is committed to the highest standards of openness, integrity and accountability. It aims to conduct its business in a responsible manner, considering the requirements of the relevant funding bodies. The whistleblowing policy and procedure gives colleagues a clear procedure on how to raise specific concerns which do not fall under the remit of the complaints policies and procedures. Whistleblowing is not the same as making a complaint / raising a grievance. It is about raising concerns regarding malpractice or wrongdoing within the college. Information about the procedures for complaints can be found at <https://www.nottinghamcollege.ac.uk/footer-links/quick-links/complaints-procedure>.

2. SCOPE

This policy applies to all Nottingham College colleagues.

3. DEFINITIONS

Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, whereas a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

4. KEY RESPONSIBILITIES

Leaders and governors

The leadership team and governors of Nottingham College are committed to:

- Promoting a culture of honesty and ethical behaviour in all aspects of college business and activity.
- Tackling fraud and other forms of malpractice, should they arise.
- Ensuring compliance with the Bribery Act 2010.
- Creating a culture of honesty and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered and resolved.

People services

- Review this policy ensuring compliance with employment legislation.
- Maintain policies in a format that are readily available and easily accessible to colleagues.

5. GENERAL PRINCIPLES

The aim of this policy and procedure is to provide all colleagues, officers, and workers with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

The college encourages colleagues to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the college.

It also aims to encourage colleagues to raise genuine concerns through internal college procedures without fear of adverse repercussions being taken against them. The law allows to raise such concerns externally and this policy informs members of staff how



they can do so however, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

With this policy and procedure, the college seeks to balance the need to allow a culture of openness against the need to protect other colleagues against vexatious allegations or allegations which are not well-founded.

The provisions of this policy apply to specific subject matter outlined in section 7 and not to matters of a more general nature which should be dealt with under the college's grievance procedure. Harassment and bullying matters should be raised using the college grievance and dispute resolution procedure. Colleagues uncertain of which procedure to follow are encouraged to approach the director of people & development services, in confidence, for advice.

6. PROTECTED DISCLOSURES

The law protects colleagues who, out of a sense of public duty, want to make a complaint about suspected wrongdoing or dangers at work.

The law allows colleagues to raise what it defines as a 'protected disclosure'. To be a protected disclosure, a disclosure must relate to a specific subject matter (see section 7 below) and the disclosure must also be made in an appropriate way (see section 9). A 'protected disclosure' must, in the reasonable belief of the colleague making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

7. SPECIFIC SUBJECT MATTER

If a colleague becomes aware of information which they reasonably believe shows one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be deliberately concealed.

8. SAFEGUARDS FOR COLLEAGUES MAKING A DISCLOSURE

All matters disclosed using this procedure will be treated as raised confidentially by the college wherever possible and, other than in exceptional cases, the name of the individual will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. The college will aim to keep the individual informed of the progress of the investigation and its likely timescale however, sometimes the need for confidentiality will prevent the college from giving them specific details of the investigation or any action taken as a result. The individual should treat any information about the investigation as confidential.



Individuals are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the college may have difficulty in investigating the concern. The college reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure.
- The credibility of the concern.
- How likely it is that the concern can be confirmed by other sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the director of people & development services or the director of governance. To access current contact details, please use the Employee Directory in Thrive.

The college will take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced by the college does not identify the individual making the disclosure without their written consent, or unless the college is legally obliged to do so, or for the purposes of seeking legal advice.

The individual will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the college for making a disclosure in accordance with this policy and procedure. Equally, where the individual is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action may be taken by the college against the colleague in question.

This does not prevent the college from bringing disciplinary action against an individual where the college has grounds to believe that a disclosure was made maliciously or vexatiously.

9. MAKING A DISCLOSURE

Information which an employee reasonably believes to show one or more of the situations given in section 7 should promptly be disclosed to one of the following people so that any appropriate action can be taken:

- Director of people & development services.
- Chief executive officer.
- Director of governance.

If it is more appropriate to make such a disclosure to their leader, an individual can raise the issue with their director or head of service in the first instance who will in turn pass the information to the nominated senior staff identified above as soon as is practicable.

If the disclosure relates to the chief executive, a member of staff should raise the issue with the director of governance. In the event that the disclosure relates to the director of governance, a colleague should raise the issue with the chair of the audit committee.

A concern can be raised by telephone, in person or in writing. It is preferable it is made in writing. Although the individual is not expected to prove the truth of their concern beyond doubt or provide evidence, the individual will generally need to provide the following information as a minimum:



- The nature of the concern and why the individual believes it to be true.
- The background and history of the concern (giving relevant dates where possible).

10. INVESTIGATING A DISCLOSURE

When a colleague makes a written disclosure, the college will acknowledge its receipt, in writing, within a reasonable time. The college will arrange a meeting as soon as possible to discuss the concern raised.

When a colleague makes a disclosure which has sufficient substance or merit warranting further action, the college will take such action it deems appropriate after the meeting (including action under any other applicable college policy or procedure). Possible actions could include internal investigation, referral to the college's auditors, or referral to relevant external bodies such as the police, Ofsted, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation would be conducted by a leader of the college without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the college as appropriate.

Any recommendations for further action made by the college will be addressed to the chief executive officer or director of governance as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The college will keep the individual who raised the concern informed of the progress of the investigation carried out and when it is completed, as well as give an indication of timings for any actions or next steps that the college will take. The college will not be able to inform the individual of any matters which would infringe any duty of confidentiality owed to others.

11. DISCLOSURE TO EXTERNAL BODIES (EXCEPTIONAL CASES)

This policy and procedure has been implemented to allow colleagues to raise disclosures internally within the college. An individual has the right to make a disclosure outside of the college where there are reasonable grounds to do so and in accordance with the law.

Individuals may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website.

The college strongly encourages any individual to seek appropriate advice before reporting a concern to anyone external.

12. CONFIDENTIALITY

All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of the individual who raises a concern if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the help of the individual who raised the concern, so the individual may be asked to come forward as a witness. If they agree to this, they will be offered advice and support.



The college hopes that staff will feel able to voice their concerns openly under this policy. Although a concern may be made anonymously, the college encourages individuals to put their name to their allegation whenever possible. If this is not done, it will be much more difficult for the college to protect the individual's position or to give feedback on the outcome of the investigations.

13. FURTHER ASSISTANCE

The college will not tolerate any harassment or victimisation of individuals who make disclosures. If, at any stage of this procedure they feel that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the chief executive officer.

A colleague making a disclosure may want to confidentially request counselling or other support from the college's occupational health service. Any such request for counselling or support services should be addressed to the director of people & development services. Such a request would be made in confidence.

Members of staff can also contact the charity Protect (formerly Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Whistleblowing Advice Line: 020 3117 2520

Email: whistle@protect-advice.org.uk

Website: <http://www.protect-advice.org.uk/>

14. MONITORING

This procedure will be reviewed regularly and may be amended as appropriate. The policy does not form part of any contract of employment. This document is uncontrolled when printed.