

# Whistleblowing Policy

Responsible Senior Manager: Deputy Principal (Finance and Facilities)

Trade Union Consultation: June 2022

Effective Date: November 2022

Related Policies: Anti Fraud and Corruption Policy  
Financial Regulations and Procedures  
(Declaration of Interests; Gifts & Hospitality)  
Code of Conduct  
Disciplinary Policy

Approved By: Audit Committee \*

Next Review Date: Summer 2025

\* Under delegated powers

# 1. Background

- 1.1 HSDC (with campuses at Alton, Havant and South Downs) is committed to the highest standards of ethics, professionalism and regulatory compliance, and has established clear procedures for identifying and addressing any fraud, corruption or malpractice. Enabling and encouraging staff to raise serious concerns, confidentially and without fear of repercussion, allows a further layer of protection against such practices. As a responsible employer, HSDC seeks to balance a culture of openness against our duty to protect staff against vexatious or unfounded allegations. Colleagues are encouraged to raise genuine concerns about suspected wrongdoing at the earliest stage and using this internal procedure.
- 1.2 This policy and procedure have been designed to operate in accordance with the provisions of the Public Interest Disclosure Act 1998 (the Act), which gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work. This is known as 'Whistleblowing'.

# 2. Purpose

- 2.1 This policy and procedure outline the process for making and investigating protected disclosures. The procedure also provides guidance on raising a concern externally, as is permitted by law, however it should be noted that failure to raise a concern under this procedure may result in a disclosure losing its protected status under law.

# 3. Scope

- 3.1 The policy and procedure apply to all individuals working for HSDC, including managers, employees, contractors, volunteers, and agency staff and is intended to encourage them to raise concerns within HSDC as a priority. The term 'employees' in this procedure is intended to cover all these categories of people.
- 3.2 Students are encouraged to raise genuine concerns by making a complaint to their Student Progress Mentor.
- 3.3 This procedure is for colleagues who believe that they have discovered malpractice or impropriety and wish to make a protected disclosure, as defined below. HSDC provides other mechanisms for raising concerns that do not meet this definition, including the following:
- concerns relating to safeguarding should be raised under the Child Protection & Safeguarding Policy
  - concerns over the quality of financial or business decisions should be escalated via line management
  - concerns relating to your employment or work should be raised under the Grievance Policy

- requesting reconsideration of matters which have been addressed under another procedure should be pursued via the appeal mechanism set out in the relevant procedure.

## 4. Protected Disclosures

- 4.1 A protected disclosure / public interest disclosure is a report of suspected wrongdoing or malpractice, relating to specific subject matters (outlined below), made under the relevant procedure. A protected disclosure must be made in the public interest and consist of reliable information, not merely allegations or suspicions. A protected disclosure must relate to one or more of the following subject matters.
- criminal activity
  - failure to comply with legal obligations
  - danger to health and safety
  - damage to the environment
  - academic or professional malpractice
  - a breach of the Child Protection & Safeguarding Policy; and
  - attempts to conceal any of the above.
- 4.2 HSDC will treat all protected disclosures very seriously. Responsibly made disclosures will be dealt with quickly, professionally and with appropriate confidentiality.
- 4.3 To ensure protection from victimisation, discrimination, or disadvantage, under the Act any allegation must be in the public interest and by a person acting with an honest motive. This policy also ensures employees receive an appropriate response to their disclosure and are aware of how they may pursue the matter outside HSDC if the College's response is not satisfactory.
- 4.4 It is acknowledged that there are some circumstances in which there may be a statutory requirement to report information to an external agency such as the Police. Disclosures made under this procedure are likely to be of a sensitive nature and all parties must always preserve confidentiality.

## 5. When to Use This Policy

- 5.1 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, the College, third parties or the public generally.
- 5.2 There is a difference between whistleblowing and raising a grievance: A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.
- 5.3 This policy sets out the procedure that applies to whistleblowing. If you have a complaint about your own personal circumstances, then you should use the Grievance Procedure in the first instance.

## 6. Representation

- 6.1 Employees are entitled to be represented by a Trade Union representative or a work colleague at any meetings or interviews that are held in relation to the disclosure made. Employees should specify that they are making a disclosure under this procedure at the outset.
- 6.2 The individual manager hearing the disclosure is encouraged to take advice from People Services as soon as the disclosure has been raised.

## 7. Time Limits

- 7.1 There are no time limits on raising concerns under this policy, however issues should be raised at the earliest practicable opportunity, to avoid delays in a full investigation taking place.
- 7.2 Where time limits have been included within this procedure, they are there to ensure that disclosures are dealt with, as quickly as possible, and to ensure there is a prompt initial response.
- 7.3 The investigation that takes place after the disclosure is not time limited but will be conducted as quickly as possible within the circumstances of the disclosure.

## 8. Untrue Allegations

- 8.1 If an allegation is found to be untrue, but the allegation has been made generally in the public interest and by the employee acting with an honest motive, no action will be taken against the employee.
- 8.2 Employees who make allegations maliciously, frivolously or for personal gain may face formal disciplinary action.

## 9. Accountability

- 9.1 HSDC will keep a record of all concerns raised under this policy and will report to the Audit Committee on an annual basis as appropriate.

# PROCEDURE

## Making a Disclosure

In the first instance, concerns under this procedure should be raised with the employee's line manager who should then deal with the problem as quickly as possible.

If the employee believes that their line manager is involved in the malpractice, they should raise their concerns with a member of the College Leadership Team (CLT).

In extreme cases, if the employee believes it is not appropriate to raise the matter with any of these people, they should approach the Chair of Audit Committee through the Clerk to the Corporation.

Disclosures must be raised in writing. Disclosures should provide as much information as possible about the matter, including dates, individuals involved and other possible sources of information.

Employees must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Employees who wish to make an anonymous disclosure may do so, but it is important for the investigating manager to know the source of the information for a full and appropriate investigation to be possible. HSDC reserves the right to determine whether to apply this procedure to an anonymous disclosure having considered the seriousness and credibility of the disclosure and how possible it will be to confirm the allegations.

The person hearing the disclosure will need to consider the nature and credibility of any allegation before deciding whether to proceed with an investigation.

The person hearing the disclosure will write to the employee within 10 days to acknowledge receipt and indicate what steps will be taken and provide a time scale.

Employees should be reassured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity.

The Act provides protection for anyone who makes a protected disclosure that is generally in the public interest and acting with an honest motive.

## Resulting Action

Following a disclosure made under this policy, enquiries will be made to establish the validity of the allegations. If they are found to be true, the appropriate action will be taken, which may include:

- A full internal investigation, which may lead to formal disciplinary action being taken
- A referral to the Police or Children's Services (if appropriate)
- A referral to an auditor or other Professional Body

Subject to legal constraints and the need to protect the rights of individuals, the employee raising the concern will be informed of the outcome at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about any formal action taken against another employee.

## Procedure for investigating a disclosure

An investigation will be undertaken by a member of the Executive Leadership or College Leadership Team. Receipt of a protected disclosure will be acknowledged within 5 working days by the Vice Principal Organisational Development & People, provided that the discloser is identifiable. Correspondence will normally be in writing to a home address or email, unless otherwise requested by the discloser.

The internal investigation will be concluded promptly, thoroughly and fairly. The investigating officer shall inform any implicated person(s) of the nature and evidence supporting the disclosure, and allow them to comment before any investigation or further action is concluded.

An investigating officer will be appointed, who has no direct association with the subject, to investigate. Where the concern relates to safeguarding, the designated safeguarding lead will be notified immediately, in line with the Child Protection & Safeguarding Policy. Following the initial investigation, the investigating officer shall decide whether they believe that the disclosure is wholly without substance or merit, on the basis that: - the discloser does not have reasonable cause to believe that the suspected malpractice is occurring; - the matter is already the subject of legal proceedings or appropriate action by an external body; or - the matter is already subject to another, appropriate HSDC procedure.

If the disclosure is considered to warrant further action, the investigating officer shall make recommendations for further action to the CEO and Vice Principal Organisational Development & People or Chair of Audit and Risk Committee, as appropriate. This may include: action under existing procedures; further investigation; referral to the auditors or relevant external bodies such as the police, OFSTED, HSE or the ICO.

The Vice Principal Organisational Development & People will notify the discloser of the recommended course of action and likely timescales in writing as soon as is reasonably practicable, and shall keep the discloser informed if the action is delayed.

Depending upon the nature of the disclosure, the investigating officer may also interview the discloser, in order to ascertain further facts of the matter. The recipient will take all steps within their power to ensure that the recommendations are implemented, unless there are good reasons for not doing so.

Where a disclosure relates to a member of the Executive Leadership Team, the Chair of Corporation should be notified.

## Taking the Matter Further

If an employee feels that their concerns have not been resolved through the above process, they may write to the Chair of Corporation outlining their concern, the action taken to date and the reasons for their dissatisfaction.

The Chair of Corporation will write to the employee within 10 days to acknowledge receipt and indicate what steps will be taken and to provide a time scale.

The Chair may decide to set up a small group of Governors, if appropriate, to investigate the concerns. The Chair will then inform the employee of the outcome of this process on the same basis as required of the manager above.

If the matter cannot be satisfactorily resolved within HSDC, the employee may raise their concerns in writing to the Association of Colleges and/or the Education & Skills Funding Agency.

These offices will follow the same basic procedure outlined above in the same timescales and will feedback the outcome to the individual employee.

If an employee is still dissatisfied with the response they have received, subject to the concern being a matter covered by the Act, he/she can raise the matter, with one of the following Agencies: -

- An elected Member of the Local Council
- A local Member of Parliament
- The Police
- Public Concern at Work
- Citizens Advice Bureau
- A relevant professional Body or Inspectorate
- The Local Government Ombudsman

Information and guidance can be found on the Internet, including:

<https://www.gov.uk/whistleblowing>

A full list of prescribed people and bodies is available on:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

In taking their concern outside of the college, employees must ensure that, as far as possible, the matter is raised without personal information relating to other employees being disclosed.

An employee who approaches an accredited legal advice centre, e.g. Public Concern at Work or Citizens Advice Bureau, must ensure they do not breach the duty of confidence in this procedure to the Corporation of HSDC.

### **Failure to Follow this Procedure**

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this policy, may be liable to formal disciplinary action.