



St Helens College



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St Helens

Whistleblowing Policy



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WHISTLEBLOWING POLICY

(Approved by the Governing Board 26th March 2020)

1. Introduction

1.1 We are committed to operate in an ethical and principled way. The aim of this policy and procedure is to provide staff with a way to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

1.2 We encourage staff to raise genuine concerns about suspected wrongdoing as soon as possible. This policy and procedure provides safeguards to help staff raise concerns about malpractice.

1.3 This policy and procedure encourages staff to raise genuine concerns through our own internal procedures. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, a failure to first raise a concern internally may result in a disclosure losing its protected status under the law.

1.4 This policy and procedure also balances openness against the need to protect staff against vexatious or ill-founded allegations.

1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. We are also committed to abiding by the Bribery Act 2010.

1.6 Students are encouraged to raise genuine concerns about suspected wrongdoing by contacting Customer Experience Manager. This policy and procedure is for staff.

2. Applicability of this policy and procedure

2.1 This policy applies to all staff and also

2.2 Employees of subcontractors; and

2.3 Employees of Staff Agency staff engaged by the College.

2.4 Staff who are unsure whether it is more appropriate to raise their concern under this policy or under our grievance procedure should speak to our Director of HR in confidence for advice.

3. Protected disclosures

3.1 The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

3.2 The law allows staff to raise a 'protected disclosure'. To be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4. Specific Subject Matter

If staff become aware of information which they reasonably believe tends to show 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.

5. Procedure for making a disclosure

5.1 Information which staff reasonably believe tends to show one or more of the situations given in Section 4 should promptly be disclosed to the individual's line manager for appropriate action to be taken.

5.2 If it is inappropriate to make such a disclosure to their line manager, staff should raise the issue with a member of the Colleges Senior Leadership Team.

5.3 If the disclosure relates to the Principal, staff should raise the issue with the Governance Director. If the disclosure relates to the Governance Director, staff should raise the issue with the Chair of the Board of Governors.

5.4 Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to feedback the action taken.

Anonymity usually means that the College will have difficulty in investigating concerns.

If we receive an anonymous concern we will consider:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

These considerations will inform our judgement on whether or not to investigate the concern.

5.5 Staff can speak to the Director of HR in confidence for further guidance about this policy and procedure.

5.6 Any manager who receives a disclosure that does not relate to the Director of Governance should copy that disclosure to the Director of Governance in order to support the annual report to the Board of Governors.

6. Procedure for investigation of a disclosure

6.1 When an employee makes a disclosure, we will acknowledge its receipt, in writing, within a reasonable time.

6.2 We will then determine whether or not the disclosure is without substance or merit. If we consider that the disclosure does not have sufficient merit to warrant further action, the employee will be notified in writing of the reasons for our decision and advised that no further action will be taken. Considerations to be taken into account when making this decision may include the following:

- We conclude that the employee does not have a reasonable belief that suspected malpractice is occurring; or
- 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 College procedure.

6.3 Where we believe the disclosure has sufficient substance or merit to warrant further action, we will take appropriate action (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.

6.4 Internal investigation may be conducted by a senior manager without any direct association with the individual to whom the disclosure relates or by an external investigator.

6.5 Any recommendations for further action will be addressed to the Principal or Chair of the Corporation as appropriate in the circumstances. The recipient will take all steps within their power to implement the recommendations unless they have good reasons not to do so.

6.6 The employee making the disclosure will be told of the outcome of any action we take within a reasonable period of time. If the employee is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal or the Chair of the Board of Governors within 10 working days. The Principal or the Chair of the Board of

Governors will make a final decision on action to be taken and notify the employee making the disclosure.

6.7 All communications with the employee making the disclosure will be in writing and sent to the employee's home address rather than through the College's internal mail. If investigations into the concern are prolonged, we will keep the employee concerned updated on the progress of the investigation and an estimated time for its resolution.

7. Safeguards for staff making a disclosure

7.1 An employee making a disclosure under this procedure can expect their matter to be treated confidentially and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

7.2 For confidentiality purposes, if the employee requests to raise their concern verbally, then if appropriate in the particular case then the College will allow the employee to do so.

7.3 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 employee 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.

7.4 No formal disciplinary action will be taken against an employee on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against an employee where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.

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

8. Disclosure to external bodies

8.1 This policy and procedure allows staff to raise disclosures internally within the College. An employee 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.

8.2 Staff 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.

8.3 Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.

8.4 If an employee seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

9. Accountability

9.1 We will keep a record of all concerns raised under this policy and procedure (including cases where we deem that there is no case to answer and therefore that no action should be taken) and the Director of Governance will report annually to the Board of Governors.

10. Further assistance for staff

10.1 We will not tolerate any harassment or victimisation of staff who make disclosures. If, at any stage of this procedure an employee feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should write to the Director of HR.

10.2 An employee 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 HR. Requests will be considered in confidence.

10.3 Staff can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers 6 - 10 Borough High Street London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609 <http://www.pcaw.org.uk>