

# Speak Up Policy

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Contents	
Introduction .....	3
Policy aims and principles.....	3
Safeguarding the individual.....	4
Confidentiality .....	5
How to Speak Up .....	5
Taking matters further (extreme cases) .....	8
Further support and information.....	8
Review .....	8

## **Introduction**

1. The purpose of this policy is to state clearly the commitment of St Helens College (the College) to act, at all times, to the highest standards of governance, openness, accountability and probity. It sets out how individuals can raise concerns, which they believe are in the public interest, in relation to illegal, improper or unethical conduct (whistleblowing), without fear of recrimination. This policy uses the terms 'Speak Up' and 'Speaking Up' in reference to whistleblowing.

## **Policy aims and principles**

2. Everyone should have the confidence to Speak Up and to feel assured that they will not suffer detriment by doing so. The College is grateful to anyone who raises a concern in good faith.

3. While legislation within this policy was specifically designed to provide protection to employees raising a public interest concern, the College will endeavour to uphold the spirit and intention of this policy for any individual, including students and third parties, who wish to raise an issue.

4. The College fosters an environment where staff are confident to raise concerns with their line managers and for this practice to be welcomed and encouraged. However, if an individual does not feel comfortable to raise issues directly with their manager, then there is an option to Speak Up under this policy.

5. The College's commitment to high standards of integrity and accountability means that it has a zero tolerance approach to incidences of fraud, bribery and corruption. All concerns will be treated in a consistent and fair manner.

6. This Policy is intended for public interest concerns to be raised where the interests of the College may be compromised. It does not replace other policies or procedures relating to complaints or employment concerns. If in doubt, you may seek confidential advice from the Governance Director or Director of Human Resources and Organisational Development.

7. The list below includes examples of the type of circumstances or concerns that should be reported via this policy, and which qualify for protection under legislation:

- conduct that is an offence or a breach of the law e.g., theft.
- Failure to comply with a legal obligation or statutory code of practice
- disclosures relating to miscarriages of justice
- health and safety risks, including risk to the public as well as other employees, or students
- damage to the environment
- possible fraud and corruption
- breaches of legislation relating to equality, diversity, and inclusion
- other unethical conduct e.g., information that suggests that incidences falling into any of the above categories is being or may be deliberately concealed

and/or failure to take reasonable steps to report or resolve an issue which is likely to cause significant loss to the College

- Malpractice including (but not limited to):
  - conduct likely to prejudice the standing of the College
  - breaches of internal rules and regulations
  - criminal offences or breaches of civil law
  - endangerment of the health and safety of any person
  - environmental damage and the deliberate concealment of any malpractice

## **Safeguarding the individual**

8. The Public Interest Disclosure Act (PIDA) 1998 introduced specific protections to enable employees to disclose information to third parties about alleged wrongdoing and to disclose these concerns without fear of recrimination. Employers are required to take reasonable steps to ensure that any individual who makes a disclosure is not victimised.

9. In order to qualify for protection under the Act, any disclosure made must be a qualifying disclosure. A qualifying disclosure must be made in good faith and the individual Speaking Up must have the reasonable belief that one or more of the following has been, is being or is likely to be committed:

- A criminal offence
- A failure to comply with any legal obligation
- A miscarriage of justice
- Danger to health and safety of an individual
- Damage to the environment
- Deliberate concealment of information relating to any of the above.

10. Whilst the act only applies to qualifying disclosures, the College also wishes to promote a compliance culture in which employees are able to report internally any failure to meet expected standards. This policy therefore also encourages disclosure by individuals relating to other matters and requires these, as far as possible, to be regarded and handled in the same way as qualifying disclosures.

11. PIDA provides statutory protection for qualifying disclosures, protecting individuals against dismissal, employer reprisals short of dismissal and victimisation as a result of Speaking Up. These rights are day one rights i.e., the individual does not need two years' service as for other employment rights. Provided that a concern is raised in accordance with the law, in good faith and with a reasonable belief that it is true, no action will be taken against anyone reporting a genuine concern even if subsequent investigations do not confirm the concern.

12. The College will take all reasonable steps to try and ensure that individuals making disclosures are not victimised, bullied, or otherwise disadvantaged as a result of the disclosure. The Colleges requires management to be open to concerns

regarding allegations of malpractice. Victimising, bullying or any other action by an individual/s intending to deter a colleague from making a disclosure, or by way of revenge following a disclosure will be regarded as serious disciplinary offences and managed under relevant College policies.

## **Confidentiality**

13. Any information received through an individual Speaking Up will be treated in confidence by those involved with dealing with the matter, to the extent permitted by law.

14. If an individual requests that the disclosure is dealt with anonymously, every effort will be made to protect their identity; however, they should be made aware that if anonymity is preserved, this may inhibit the proper investigation and limit the ability to provide feedback on the outcome of any investigation.

15. Individual/s may be required as witnesses to take the investigation further. Individuals must therefore be aware that the College will make every effort to protect their identity, but this may not be possible in all circumstances, particularly when third party agencies are involved in investigating or taking further action as part of or as a result of any investigation. In such circumstances, the individual will be asked to consent to their identity being revealed and this consent should not be unreasonably withheld, as the College will do everything possible to protect the individual's interest. Support and guidance will be offered if the individual is required to be a witness during the investigation.

## **How to Speak Up**

16. The individual should first raise the issue with their line manager for resolution or escalation. The line manager may seek advice from the Governance Director as required.

17. If the individual is unable to tell their line manager, is a student or an external third party, the issue can be raised directly with the Governance Director.

[governance@sthelens.ac.uk](mailto:governance@sthelens.ac.uk)

01744 623104

18. If the concern relates to the Governance Director, the matter should be referred to the Chief Executive Officer/Principal.

[spierce@sthelens.ac.uk](mailto:spierce@sthelens.ac.uk)

01744 623102

19. If the concern relates to both the Governance Director and Chief Executive Officer/Principal, the individual should contact the Chair of the Audit Committee.

20. The following information should be provided (preferably in writing) where possible:

- a summary as to the nature and basis of the concern; and
- the relevant information the individual is aware of regarding the background and history to the matter (giving relevant dates where possible) and any information they are comfortable sharing about who else to speak to.

21. Once a concern has been raised using one of these methods, it will be passed to the Governance Director who will ensure the matter is assessed and that, where appropriate, an investigation is carried out. The individual must not attempt to investigate themselves.

22. Managers may be recipients of information or concerns of the types covered by this policy. Managers have a responsibility to recognise where information or concerns covered by this policy are raised with them and should ensure they respond, including where appropriate by reporting the information through the channels detailed at paragraphs 16-19. Managers will be given additional training to help them recognise this situation, and if they feel that they have not had sufficient training and require it, they must raise this with their line manager or the Governance Director. If a line manager is uncertain whether a matter raised with them is covered by this policy, they must contact the Governance Director who will provide guidance.

23. An individual may wish to discuss their concern with a colleague or trade union representative before raising it under this policy but once they have raised their concern with one of the parties in paragraphs 16-19 above, they should not discuss it with anyone outside the process in order to maintain confidentiality.

The College's response to concerns

24. All concerns raised will be logged centrally (and on the College's fraud register if relevant) and will be carefully considered as to the appropriate response and investigation route to be undertaken. The College will aim to acknowledge concerns raised within seven days.

25. In respect of anonymous disclosures, the College reserves the right to determine whether it should investigate the concern based on the following considerations:

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

26. For all other disclosures, the College will determine whether it believes that the disclosure warrants further action. The following will be considered when making this decision:

- If the College is satisfied that the individual does not have a reasonable belief that suspected malpractice is occurring
- If the matter is already the subject of legal proceedings or appropriate action by an external body

- If the matter is already subject to another appropriate College policy or procedure.

27. In the event that the College deems that no further action is required, the individual will be notified in writing of the decision.

28. Should the College determine the matter requires further investigation; the Governance Director will identify an appropriate person to undertake the investigation dependent on the nature of the concern.

29. The individual reporting the concern will be contacted by the appointed investigating officer within seven days. The length of time taken to complete an investigation will vary according to the concern and its complexity, however every effort will be made to reach a timely conclusion without unnecessary delays.

30. The level of communication between the investigator and the individual raising the concern will depend on the nature of the allegations and the information provided. It may be necessary for the investigator to contact the individual (unless anonymous) to request more detail and clarification. If the investigator meets with the individual, then the latter has the right to be accompanied by a colleague or trade union representative. The colleague or trade union representative must maintain the confidentiality of the concern and any subsequent investigation.

31. The Governance Director is authorised to obtain legal or other professional advice as deemed necessary.

32. Once the investigation is complete, the Governance Director shall consider the findings and propose recommendations in conjunction with any functional experts and/or the Chair of the Audit Committee, as appropriate. Should a recommendation be made for disciplinary action, this will be managed under one of the following College policies:

- Disciplinary Policy
- Disciplinary Policy – Senior Post Holders
- Disciplinary Policy - Student
- Governor Conduct, Investigation and Resolution Policy

33. The individual will receive feedback from the Governance Director to advise them of the conclusion of the matter. Where appropriate, the individual will be notified of the outcomes, including action taken and any next steps, although this information cannot be shared in every case due to confidentiality, data protection or for legal reasons. This will be carried out in a timely manner and feedback will normally be provided within three months of the matter being raised.

34. If it is found that a concern was raised maliciously and/or to seek personal gain and that the allegations were deliberately false then disciplinary action may be taken against the person making the false allegations, in accordance with College policies.

35. The Governance Director may inform the Audit Committee of the outcome of the investigation, particularly where the matter is complex, reportable under the committee's terms of reference or relates to a senior staff member or governor.

### **Taking matters further (extreme cases)**

36. If a concern has been reported via this policy but the person reporting the concern is not satisfied that the College's response has addressed or investigated the issues raised then they may appeal the decision within 10 working days by contacting the Chair of Governors:

[Phan@sthelens.ac.uk](mailto:Phan@sthelens.ac.uk)

37. If the individual feels they cannot raise their concerns internally and reasonably believe the information and any concerns are substantially true, the law recognises it may be appropriate to raise the concern with another prescribed person. These contacts include the College's external auditors or relevant professional bodies including the Information Commissioner's Office and the Health and Safety Executive. A full list is available on the government's website: [Whistleblowing: list of prescribed people and bodies for education](#)

38. Disclosure of a concern to a non prescribed body e.g. a newspaper or social media is not covered by PIDA therefore it is recommended that appropriate advice is sought prior to raising a concern in this way.

### **Further support and information**

39. Should the individual feel that they would like to seek some independent advice whilst they are considering making a disclosure, particularly were reporting the concern externally, the following charity may be able to help. Protect does not investigate concerns but provides free, confidential whistleblowing advice for anyone who is considering or who has raised a concern within their own organisation. Protect's aim is to make the process of whistleblowing work for individuals, organisations, and society.

- Protect
- Telephone: 020 3117 2520 (general enquiries and helpline)
- Web: <https://www.protect-advice.org.uk/>

### **Review**

40. This policy will be reviewed every three years unless changes to legislation, best practice or the College's requirements necessitate earlier action.