



Whistleblowing Policy

Policy Area:

People Services

Policy Lead:

Director of People

Approved By:

Audit, Risk & Compliance Committee

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Contents

1. Introduction	3
2. Purpose	3
3. Principles.....	4
4. Procedure.....	4

1. Introduction

East Sussex College is committed to maintaining an open culture with the highest standards of honesty and accountability, where all staff members can report any legitimate concerns in confidence. The college takes all malpractice very seriously, and this document sets out the procedure by which staff members can report any concerns.

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff members should be watchful for illegal or unethical conduct and report anything of that nature. This policy applies to all staff members, volunteers and agency workers of the college.

The college encourages staff members to raise their concerns under this procedure in the first instance. If a staff member is not sure whether to raise a concern, they should discuss the issue with their line manager or a member of the People Services team.

2. Purpose

The purpose of the Whistleblowing Policy is to enable concerns of malpractice that are in the public interest to be raised confidentially inside, and if necessary, outside the organisation. It is intended to encourage staff to inform management if they are concerned about serious malpractice, fraud or corruption. However, it is not meant to be another mechanism for staff members to raise collective or personal grievances. The Grievance Policy is in place to enable staff members to lodge a concern relating to their employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

All are protected from victimisation, harassment or disciplinary action as a result of any disclosure, where the disclosure is made in the public interest and is not made maliciously or for personal gain. Where disclosures are made in the public interest, staff will have statutory protection under the [Public Interest Disclosure Act 1998](#). The college is also committed to ensuring compliance with the [Bribery Act 2010](#).

Reasons to raise a concern are, for example:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is 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 materially damaged; or
- That information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be, deliberately concealed.

Examples of disclosures which could be made include:

- Dangerous practices at work that could cause harm to staff members or the public;
- Fraud, theft, corruption;
- Corruption in letting or managing contracts;
- That a criminal offence is, or is likely to be, committed such as making unauthorised disclosures of confidential information
- Risk or damage to the environment;
- Offering, taking or inviting bribes; or
- A failure to comply with a legal obligation

3. Principles

It is not necessary for the staff member to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

Individuals are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the college will not be in a position to notify the discloser of an outcome, or any action taken. Anonymity also means that the college may have difficulty investigating a concern.

Individuals making a disclosure must declare any personal interest in the matter.

The college will offer protection to any staff member who honestly and reasonably believes that malpractice is taking place and undertakes to comply with all applicable laws relating to the prohibition of retaliation against good-faith whistleblowers.

The staff member has no responsibility for investigating the matter - it is the college's responsibility to ensure that an investigation takes place.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the staff member who raised the issue.

If misconduct is discovered because of any investigation under this procedure the college's disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation would be considered under the college's disciplinary procedure. Any deliberate false or malicious allegations will be taken very seriously, and appropriate disciplinary action will be taken. Where a staff member acts in a malicious way (for example by leaking information to the press), the protection outlined above will not apply and the staff member will be subject to disciplinary action, which could result in summary dismissal for gross misconduct.

Giving an instruction to cover up wrongdoing is itself a disciplinary issue. If told not to raise or pursue any concern, even by a person in authority such as a manager, the staff member should not agree to remain silent. They should report the matter using the following procedure.

4. Procedure

In the event a staff member has reason to believe that malpractice is taking place, the staff member is encouraged to make their disclosure immediately to their line manager, who should report it to the People Services team. This can be done verbally or in writing.

If the staff member is concerned that their line manager is involved in the malpractice, they should inform People Services directly. If for any other reason the staff member does not wish to approach their line manager, they should also in the first instance contact People Services. Any approach to People Services will be treated with the strictest confidence and the staff member's identity will not be disclosed without their prior consent. However, in certain circumstances, for example if a criminal investigation follows, the staff member may be needed as a witness. If this happens People Services will inform the staff member at the earliest opportunity.

It is particularly important in matters concerning the health, safety and welfare of those on college premises (whether staff members, contractors or visitors) that anyone, including an elected trade

union safety representative, who becomes aware of a hazard (actual or potential) or dangerous occurrence, is expressly required to immediately notify the Chief Operating Officer before making any other report (e.g. to an outside body) not least so that immediate action can be taken if necessary to deal with the hazard.

People Services will report back in writing to the staff member, within ten working days of receiving the disclosure, the process by which the matter will be addressed.

People Services will then determine whether further investigation is required. In making this decision regard will be given to the following:

- Whether the disclosure concerns malpractice
- Whether the procedure in this policy has been followed
- Whether the staff member is acting in the public interest and not for personal gain or personal motives.
- Whether there is any supporting information to corroborate the suspected malpractice

People Services will then investigate the alleged offence in conjunction with a member of the Executive team and any other staff members as appropriate. The investigation will be carried out in accordance with the principles set out above.

When disclosing any concerns, the staff member will not be expected to have absolute proof of malpractice but will need to be able to show the reasons for his or her concern.

The staff member's statement will be considered, and they will be asked to comment on any additional evidence obtained. It may be necessary for the staff member to be interviewed to secure information to decide whether a disclosure should be investigated. In this situation the staff member may be accompanied by a local trade union representative or work colleague at the interview.

People Services will report to the CEO & Principal who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, People Services will start the disciplinary procedure.

Where the disclosure involves a member of People Services or the Executive team, the matter should be raised with the Director of Governance, who will refer it on to the Chair of the Audit and Risk Committee.

On conclusion of any investigation, the staff member will be told, in writing, the outcome of the investigation and what the college has done or proposes to do. If no action is to be taken, the reason for this will be explained.

If the discloser is unhappy about the outcome of an investigation, they should make a further report to the Director of Governance, and if there is good reason to do so, the concern will be investigated again.

If the discloser is still unhappy about the final outcome of an investigation, legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

[HM Revenue & Customs](#)
[The Financial Conduct Authority](#)

[The Competition & Markets Authority](#)
[The Health and Safety Executive](#)
[The Environment Agency](#)