

# WHISTLEBLOWING POLICY & PROCEDURE

Overall responsibility: Principal  
Implementation: Vice Principal Student Services and HR  
Date issued: May 2021  
Date for review: Periodically

Endorsed and approved by Policy & Strategy Group Date: May 2021



Pat Brennan-Barrett Principal

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# 1. INTRODUCTION

- 1.1 The College wants to uphold the highest standards of public life and employees should use this policy if they reasonably believe that any impropriety is discovered among the staff or governors of the College.

# 2. RESPONSIBILITY

- 2.1 The Human Resources department owns and manages this policy on behalf of Northampton College.

# 3. SCOPE

- 3.1 This policy is a College policy and applies to all employees, students, suppliers and other organisations we work with.

# 4. POLICY STATEMENT

- 4.1 This policy defines the circumstances and procedure for employees who reasonably believe that they have discovered organisational wrongdoing and wish to report this to someone in authority.
- 4.2 The policy and the procedure it outlines, is here to reassure staff and others that if they raise a qualifying disclosure and reasonably believe it to be in the public interest, the College will give protection from suffering detriment, bullying or harassment from another employee.
- 4.3 This policy will be reviewed and revised periodically, particularly in the light of any developments in employment legislation or good employment practice, in order to ensure its continuing relevance and effectiveness.

# 5. DEFINITIONS

- 5.1 The policy covers “*malpractices*” which are more difficult to define but which are generally issues which are wider than an individual’s treatment.
- 5.2 Examples of malpractices are:

*Crimes*, such as:

- Fraud, theft, or other financial irregularities
- Misuse of IT equipment or systems, including downloading pornographic material
- Bribery or corruption

*Illegality* – Not meeting a legal duty, such as:

- Not disclosing conflicts of interest
- Making unauthorised political donations
- Inappropriate accounting, internal controls or auditing practices, or improper influence over external auditors
- Breaching the College’s ethical principles
- Breaching data protection standards
- Breaching college control procedures
- Breaching discrimination legislation or the College’s equal opportunity policy when it relates to other people, not the individual concerned, as this would be covered under the grievance

procedure.

*Serious breach of health and safety requirements such as:*

- Not repairing faulty equipment
- Not following health and safety procedures
- Promoting unsafe working practices or environments

PLUS

*Damage to the environment*

*Academic or professional malpractice*

*Failure to comply with the Polices, Procedures and Regulations of the College and the Codes of Practice in them*

OR

*Attempts to conceal any of the above*

## **6. KEY PRINCIPLES**

6.1 The policy is here to guide staff where they have concerns; staff should:

- Tell us straightaway if they believe something's wrong.
- Not wait for proof – if there is real concern, that's enough.
- Raise concerns without fear of being disadvantaged – the College will do everything to support staff when they do.

6.2 The College recognises the seriousness of making any allegations under this policy and will treat these seriously.

6.3 Staff will be protected under this policy if, when raising the issue they:

- Believe that the disclosure is true AND
- It is in the public interest.

6.4 It is important of course, that staff have reasonable grounds for believing that the issue(s) raised have happened or are about to happen, otherwise the complaint may be judged to be a frivolous, or a malicious accusation and this would mean the College may take disciplinary action against the member of staff making the allegation.

6.5 Staff raising a real concern through this policy will not be disadvantaged because of this; even if they were mistaken about something (provided the requirements in 6.3 and 6.4 are met).

- 6.6 The College takes it very seriously if someone is victimised for speaking out and will take reasonable action to ensure that it doesn't happen or is stopped immediately. Any staff involved will be subject to disciplinary action.
- 6.7 The Public Interest Disclosure Act 1998 provides staff with protection against detrimental treatment or dismissal as a result of disclosing normally confidential information in the interests of the public.
- 6.8 The Act only covers protected disclosures under six categories where the individual making the disclosure reasonably believes that one of the following has, or is likely to happen:
- A criminal offence
  - Breach of legal duty
  - Miscarriage of justice
  - Health and safety or any individual endangered
  - Damage to the environment
  - Concealment of any of the above
- 6.9 To be protected by the Act, staff must disclose the information in the right way and to one of the following categories of person:
- Employer or other responsible person
  - Legal Advisor in the course of taking legal advice
  - Other person who the individual reasonably believes is responsible for the conduct that is the subject matter of the disclosure
  - Prescribed person – please refer to Appendix 1 for a list of these.

## 7. PROCEDURE

### 7.1 **INTERNAL**

Staff can contact Human Resources to seek advice and/or make a disclosure to the Vice Principal – Human Resources and Student Services or any other designated person. Other internal routes to consider are:

#### 7.1.1 *Route A – Line Manager*

This is the route the College encourages for most cases that are likely to arise. In most cases it is likely that the line manager will be able to sort things out informally.

#### 7.1.2 *Route B – Senior Line Manager or a specialist internal contact*

This may be the manager of the staff member's manager, or even their manager. Staff could also consider raising the issues with a manager from an area of the College independent from their own department but with specialist knowledge of a particular area, e.g. IT, Estates or Finance.

### 7.1.3 *Route C – Inform the Principal, Clerk to the Governing Body or Chair of Governors*

If Route A and/or B has been tried and there are still concerns, or if the matter is so serious these routes are not appropriate, contact the Principal, the Clerk to the Governing Body or the Chair of Governors.

7.1.4 If a concern is raised, you should ideally await the outcome of any investigation or review before concerns are aired outside the College.

## 7.2 **INVESTIGATION PROCESS**

7.2.1 A manager, or appropriate person, or organisation will be commissioned to investigate fully. This may be someone from inside the College or if necessary an independent consultant. It may also be necessary for the College to contact the police, or other authorities, again depending on the nature of the issue raised.

7.2.2 Timescales cannot be given as the investigation may be very quick or quite lengthy depending on the issue raised.

## 7.3 **EXTERNAL**

7.3.1 Staff may make an external disclosure if they feel unable to use the internal procedure because one of the following applies:

- They had reasonable belief that they would be subjected to a detriment by their employer if it was raised internally, OR
- That evidence is likely to be concealed or destroyed, OR
- The concern has already been raised internally and it has not been resolved to their satisfaction.

7.3.2 To be protected under this policy, staff must reasonably believe that the matter falls within the description of matters for which the person or body has been prescribed. Appendix 1 contains a list of some of the bodies which might be appropriate in serious cases but only where all of the conditions outlined in 6.3 and one of the three conditions outlined in 7.3.1 above are met.

7.3.3 Further information can be found at: [www.gov.uk/whistleblowing/how-to-blow-the-whistle](http://www.gov.uk/whistleblowing/how-to-blow-the-whistle) or [www.pcaw.co.uk](http://www.pcaw.co.uk) regarding how to make a disclosure to an external organisation. A list of some of prescribed bodies, to whom an external disclosure can be made, can be found in Appendix 1.

7.3.4 Any issue raised will be documented and the person raising it will be asked to check this for accuracy. If the complainant asks to be written to, the appointed person or organisation will do this.

7.3.5 The complainant might be asked to meet with someone to talk through the concerns, and may be accompanied at this meeting by a union representative or a colleague from the workplace.

- 7.3.6 It may not be possible to tell the complainant everything and those things which break a confidence the College owes to someone else will not be disclosed.
- 7.3.7 If the College finds a serious malpractice has happened, the College will tell any external organisations that need to know and the complainant will be told the outcome.
- 7.3.8 The Clerk to the Corporation will have the right to seek independent legal or other advice when he/she has a concern that the Corporation may be acting inappropriately or beyond its powers. As far as possible, such concerns should be resolved internally with the Chair and Vice Chair of the Corporation and the Principal and the reasons for the Clerk's concerns must be notified to all Members together with the solution reached.
- 7.3.9 If no solution can be reached and the Clerk's view is that the grounds for the original concern still present a threat to the proper Governance of the College, prior authorisation is hereby given for the Clerk to seek independent legal advice and to inform members that this has been done. All members must be notified of the legal advice received.

## **8. ASSOCIATED POLICES**

- 8.1 Disciplinary, Grievance, Dignity at Work, Staff Code of Conduct, Anti-Fraud Policy & Fraud Response Plan , Malpractice / Maladministration / Plagiarism Policies.

## **9. APPROVAL PROCES**

- 9.1 Policy and Strategy Team  
Corporation

## **10. APPENDICES:**

Appendix 1: Prescribed Bodies or Persons

Appendix 1: Equality & Diversity Impact Assessment

Appendix 2: Data Protection Impact Assessment

Appendix 3: Communications Plan

# Appendix 1: PRESCRIBED BODIES OR PERSONS

Further details can be found at [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

- THE AUDIT COMMISSION FOR ENGLAND AND WALES (INCLUDING AUDITORS APPOINTED BY THE COMMISSION)  
[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)
- EDUCATION, SKILLS FUNDING AGENCY  
[Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- HER MAJESTY'S REVENUE AND CUSTOMS  
<http://www.hmrc.gov.uk>
- COMPTROLLER AND AUDITOR GENERAL OF THE NATIONAL AUDIT OFFICE  
<http://www.nao.org.uk/> Email: [enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk)
- THE DIRECTOR OF THE SERIOUS FRAUD OFFICE  
<http://www.sfo.gov.uk/>
- THE ENVIRONMENT AGENCY  
<http://www.environment-agency.gov.uk/>
- HEALTH AND SAFETY EXECUTIVE  
<http://www.hse.gov.uk/>
- LOCAL AUTHORITIES  
Contact the appropriate local authority
- INFORMATION COMMISSIONER  
<http://www.ico.gov.uk/> Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)
- THE OCCUPATIONAL PENSIONS REGULATORY AUTHORITY  
<http://www.thepensionsregulator.gov.uk/>

For a complete list of prescribed bodies or persons, please visit:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf)



## Appendix 2: EQUALITY & DIVERSITY IMPACT ASSESSMENT

This template has been designed to help you take action to improve services and practices which affect staff, students and other service users at Northampton College. By completing this template, you would have considered the impact that your policy, practice or service might have on particular social groups within the college community. The exercise will also provide you with the opportunity to demonstrate, where possible, that the College promotes equity, diversity and inclusion.

Once this Equality Impact Assessment has been created, please include on the last page of your policy document.

Policy Details	
What is the policy?	Whistleblower Policy
Is it new or existing?	Existing
Department	HR
Policy Author (postholder title, name)	Jan Hutt, Vice Principal - Human Resources & Student Services
Author of Equality Analysis	Sally Bamford – HR Manager
Date of completion	19 May 2021

Aim and Objectives
Briefly describe the aims and objectives of the policy
To define the circumstances and procedure for employees who reasonably believe that they have discovered organisational wrongdoing and wish to report this to someone in authority.

Policy Assessment				
Consider whether your policy might have an impact on various groups identified within the categories listed below and explain why you have reached this conclusion. Please tick (✓) the identified level of impact (positive, negative, or no impact) and provide details of your findings.				
	Positive Impact	Negative Impact	No Impact	Findings
Race			X	
Religion and/or belief			X	
Sex (Gender)			X	
Gender Identity			X	
Disability			X	
Age			X	
Sexual orientation			X	
Marriage and/or civil partnership			X	
Pregnancy and/or maternity (including surrogacy and adoption)			X	
Other identified group (e.g. carers)			X	

<b>Action Planning</b>		
How do you intend to mitigate or eliminate any negative impact identified?	If a positive impact is identified, how do you intend to promote or develop this opportunity?	Where negative impact has been identified, can it be justified? If so, explain how.
N/A	N/A	N/A

<b>Monitor and Review</b>	
How will you monitor the impact of your policy once it has been put into effect?	
The policy will be monitored through feedback from services users gathered via: Feedback from staff, students' suppliers	
Names and position of Impact Assessment Team (min of 3 preferably from areas across the College):	
Name	
Sally Bamford	HR Manager
Mark Owen	Assistant Principal Student Services
Emma Lucas	Staff Development Administrator

Equality Analysis Sign-Off Signature and Date:	19 May 2021
Review Date:	19 May 2022

# Appendix 3: DATA PROTECTION IMPACT ASSESSMENT

## Data Protection Impact Assessment

### Does this Policy

- require the collection and use of data in addition that normally collected by the College?

**Yes / No (if Yes complete Assessment point number 1)**

- require the sharing of data with partners?

**Yes / No (if Yes complete Assessment point number 2)**

1. Is additional data being collected? If so please detail:

Data maybe collected as part of an investigation process

Is data collected personal and/or sensitive?

Data could be personal and/or sensitive, dependent on the nature of the issue raised.

How will you collect, use, store and delete data?

Data will be collected as part of any investigation process and will be stored and deleted in accordance with College retention policies.

2. Will you be sharing data with anyone? Please detail what data, with who and confirm a **Data Sharing Agreement** is in place

Depending in the issues raised, it may be necessary for the College to contact the Police, or other official authorities.

**Describe the purposes of the processing / sharing:** What are the benefits of the processing/ sharing – for you, and more broadly?

Data will be shared if there is a legal or statutory requirement to do so.

**Consider how to consult with relevant stakeholders:** describe when and how you will seek individuals' views – or justify why it's not appropriate to do so.

Communication will be verbal and in writing.

**Describe compliance and proportionality measures, in particular:**

What is your lawful basis for processing?

**Public task:** the processing is necessary to perform a task in the public interest or our official functions, and the task or function has a clear basis in law.

How will you ensure data quality and data minimisation?

Only necessary data will be stored and will be deleted in accordance with data retention policies.

What information will you give individuals?

Outcomes of investigations may be shared with individuals, if appropriate.

Please attach a Risk Assessment if there are significant risks to data protection

**Signed by Data Protection Officer**

Name: Steve Rankine

Date:

## Appendix 4: COMMUNICATIONS PLAN

<b>TITLE OF COLLEGE POLICY:</b> Whistleblowing Policy & Procedure	<b>DATE APPROVED BY</b>  Date: May 2021
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<b>AUDIENCE (select appropriate with ✓)</b>				
Managers		Curriculum teams		Business Support teams
All staff	✓	Suppliers	✓	Partners
Other - Students	✓			

<b>CHANNEL (select appropriate with ✓)</b>				
Policy & Strategy Team (PST)	✓	Quality Improvement Network (QIN)		Marketing team
Meeting		Meeting		NC Update Intranet Website
Individual team		Suppliers		Partners
Document Library Noticeboards Team meeting Email		e.g. Letter or email Meeting		e.g. Letter or email Meeting
College Management Team (CMT)		JCNC	✓	CORPORATION
Meeting		e.g. Meeting Email		e.g. Meeting Email

<b>COMMUNICATIONS PLAN ACTIVATED BY:</b>		
Name: Jan Hutt Department: Human Resources	Job title: Vice Principal – Human Resources & Student Services	Date: May 2021