



# **Raising a Concern**

## **Our Whistleblowing Policy**

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## **RAISING A CONCERN – OUR COMMITMENT TO WHISTLEBLOWERS**

Whistleblowing is when a worker raises a concern about wrongdoing or malpractice in the workplace that has a public interest aspect to it. Officially this is called 'making a disclosure in the public interest'.

Whistleblowers often act out of a feeling of fairness or ethics. The information they provide can be vital in helping us to protect the College and its staff and students from serious risks. As a Governing Body, we want to make it easier for people to draw serious concerns to our attention, particularly where the senior leadership team aren't addressing them.

We want to know when things aren't quite right, particularly:

- if someone's health and safety is in danger
- damage is being, or may be, caused to the environment
- a criminal offence has been, or is being committed;
- the College is not obeying the law; or
- if somebody is covering up wrongdoing.

We want you to know that:

- any concerns you bring to us will be treated confidentiality, as far as practically possible;
- concerns will be dealt with promptly and appropriately;
- you will be kept updated, subject to legal constraints;
- you will not be victimised or suffer reprisals for raising legitimate concerns in accordance with this policy, either by us, our workers, managers, or directors; and
- victimisation of anyone for raising legitimate concerns, for ordering another person not to speak up and raise a concern, or for ordering someone to cover up wrongdoing will be treated as a disciplinary offence.

This policy:

- does not form part of any contract of employment or contract for services and it may be subject to change, withdrawal or replacement at any time;
- applies to all members of staff, including current and former employees, workers, trainees, apprentices and agency staff;
- can be accessed via the College Intranet;
- is the responsibility of the independent Director of Governance ;
- is to be used only after other channels for raising concerns internally have been exhausted;
- does not cover matters relevant to the College's Disciplinary or Grievance Procedures or non-staff complaints that do not fall within the scope of a public interest disclosure (for which the College's Compliments and Complaints Procedure will apply).

You can find out more about the Governing Body (the Corporation) and the role of the independent Director of Governance by:

- visiting [www.kirkleescollge.ac.uk/governance](http://www.kirkleescollge.ac.uk/governance);
- taking part in a 'Meet the Governors' event; or
- speaking to the Director of Governance, whose contact details are in the Appendix at the end of this document. The Director of Governance would be pleased to answer any questions about Governors' role and responsibilities, who we are, and how our whistleblowing procedures work, including on a no names basis.

## 1 **Introduction**

1.1 The purpose of this policy is to:

- describe the arrangements the Governing Body has put in place to respond to concerns;
- explain how to disclose a concern, should you need to;
- reassure you that any concerns about wrongdoing will be taken seriously and that if you follow this policy you will be protected from dismissal or other detrimental treatment;
- promote accountability, deter malpractice and aid the smooth running of the College;
- avoid crisis management and public criticism; and
- foster an open and transparent workplace, in line with the Nolan Committee Standards in Public Life.

1.2 If you are uncertain about whether something is within the scope of this policy, you can seek advice from your line manager, a trade union representative, and/or the Director of Governance (whose contact details are at Appendix 1).

## 2 **Protection from unfair treatment at work**

2.1 If you are a worker and report certain types of wrongdoing, this is known as 'whistleblowing' or making a 'public interest disclosure'.

2.2 In the UK, whistleblowers are protected by law against dismissal or detrimental treatment as a result of reporting any of the following:

- a criminal offence, for example fraud;
- that someone's health and safety is in danger;
- a risk or actual damage to the environment;
- a breach of the law, for example misuse of personal data or failure to have insurance;
- a miscarriage of justice; or
- a belief that someone is covering up wrongdoing.

2.3 Although we refer to 'concerns' throughout this document, it is important to note that, in law, 'whistleblowing' disclosures must involve information that 'conveys facts', rather than simply raising a concern or allegation.

2.4 Whistleblowing is not the same thing as raising a grievance. Grievances do not generally involve issues of general public interest; they usually involve a problem directly related to your work and conditions of employment; or the general conduct of workers which can be resolved internally. If you wish to raise a grievance, you should use the College's Grievance Procedure and may wish to seek advice from your trade union representative.

- 2.5 While we want to hear from anyone who has a concern about wrongdoing in the College and will seek to protect anyone who reports concerns to us, it is important to note that, in UK law, only workers enjoy statutory protection as 'whistleblowers'.

### 3 **What if the wrongdoing I wish to report is also a safeguarding concern?**

- 3.1 Our Safeguarding and Child Protection Policy sets out the arrangements for reporting safeguarding concerns. If you disclose information which suggests that someone has:

- behaved in a way that has harmed or may have harmed a child, young person or vulnerable adult;
- possibly committed a criminal offence against a child, young person or vulnerable adult, or related to a child, young person or vulnerable adult; or
- behaved towards a child, young person or vulnerable adult in a way that indicates s/he is unsuitable to work with children, young people and/or vulnerable adults,

the statutory guidance contained in the Department for Education publication, *Working Together to Safeguard Children 2018* and, where relevant, specific guidance given by the Secretary of State under section 175 of the Education Act 2002 will be followed, due to the specific obligations upon persons reporting concerns regarding the wellbeing of children and young people. The statutory protections for whistleblowers will still apply.

### 4 **Procedure**

- 4.1 We hope that in most cases, concerns will be raised with, and addressed by, line managers or other senior managers. It should normally be possible to agree a way of resolving concerns quickly and effectively without using the whistleblowing procedure.
- 4.2 If you feel unable to draw your concern to the attention of your line manager or another senior manager for whatever reason, or if you feel that, having done so, your concern has not been fully addressed, you should contact the Director of Governance, who is independent of management and whose role is to advise Governors. If the matter relates to the Director of Governance, your disclosure may be addressed to the Chair of the Corporation instead.
- 4.3 There are three stages to the procedure:
- Stage 1     The initial allegation;
  - Stage 2     Decision-making about whether to investigate the allegation and any investigation;
  - Stage 3     Action.

**Stage 1****This stage is informal, involving only you and the Director of Governance**

- 5.1 You can share your concerns either verbally (in person or by telephone or videoconference) or in writing.
- 5.2 You will receive a written acknowledgement.
- 5.3 The Director of Governance (or the Chair if your concern is about the Director of Governance) will make arrangements for an initial meeting to discuss your concern in confidence as soon as possible and normally no later than six working days from the date of first contact. You should bring to the initial meeting or share in advance any evidence you have to support the disclosures you intend to make. If you prefer, you can correspond in writing or discuss the matter by telephone.
- 5.4 At the initial meeting, the Director of Governance will meet with you personally, outside the College if you prefer. It is not normally possible for whistleblowers to meet with members of the Corporation, as they are volunteers with limited availability and are not trained to conduct interviews or carry out investigations. If you need to report your concern to the Chair, he or she will arrange for an impartial person to meet with you.
- 5.5 You may bring a companion to any meeting under this procedure. Please let us know in advance of any meeting who your companion will be and if you or they will require any adjustments to support your attendance and/or participation, such as an interpreter or a ground floor meeting room. Your companion must respect the confidentiality of your disclosure and he or she may be asked to leave the meeting if they are in any way disruptive to the process.
- 5.6 You may be asked to provide a written statement outlining your concern. Alternatively, a written summary of your concern will be provided to you following the initial meeting or telephone call, and you will be asked to sign it to confirm that it is accurate and complete.
- 5.7 The Director of Governance will discuss the matter with you to ensure that other established procedures may not be more appropriate to deal with your concern.
- 5.8 Within two weeks of the initial contact, the Director of Governance will provide to you the details of the person who has been appointed to have oversight of the process on the Corporation's behalf and to make decisions.
- 5.9 To ensure confidentiality, all communications and correspondence can be sent to your personal email or home address, as you prefer. If we need to share any personal data with you, we will contact you to make appropriate arrangements for the data transfer.

**Stage 2**

- 6.1 The Director of Governance will inform the Chair as well as the Principal (provided he or she is not involved in the matter) that a disclosure has been received. If the Chair is involved in the matter, the Director of Governance will notify the Audit Committee Chair instead.
- 6.2 The Audit Committee and the Vice Principal Finance and Resources (unless accused of any wrongdoing) will be informed of any allegation concerning fraud or financial irregularity, as will the College's external auditors.

- 6.3 The Chair (or Audit Committee Chair) will appoint someone (the “case manager”) to have oversight of the process and make decisions. Normally this will be a Governor or a member of the Senior Leadership Team who has had no previous involvement in the matter. The case manager will decide whether the matter should be investigated as a whistleblowing disclosure and may, in his/her reasonable discretion, decide not to commence an investigation if the matters reported are not credible, or if the disclosure contains only unspecified or broad allegations of wrongdoing without appropriate information to support them, or if the matter is more suitable for consideration under a different process or procedure, such as the College Grievance Procedure. A decision not to commence an investigation under this policy must be reported to the Audit Committee, which may disagree with the case manager’s decision, in which case it may appoint a different case manager to oversee an investigation, or may itself commission an investigation.
- 6.4 If the case manager (or the Audit Committee) determines that an investigation must be conducted, he/she will determine the scope of the investigation and appoint an investigator, who may be an external consultant or an objective member of the College staff with relevant experience or expertise. It is important that case managers have broad discretion to frame the questions for the investigator. Whistleblowers will have incomplete knowledge and may not describe their concerns in a way that translates to investigation questions. The College must get good value for money from any investigations it funds.
- 6.5 Any investigation shall observe the rules of natural justice<sup>1</sup> and the provisions of procedural fairness.
- 6.6 Subject to value for money considerations, the case manager (or the Audit Committee) may also engage independent accountants, solicitors or other experts to assist in the investigation of disclosures and/or the analysis of results.
- 6.7 If the case manager is satisfied that evidence indicates that criminal activity has occurred or is about to occur, the police will be informed.
- 6.8 Depending on the likely cost of the investigation, it may be necessary to inform The Vice Principal Finance and Resources or another member of the Executive team who is not implicated in the allegation(s) to seek approval for the proposed expenditure and to release additional funds.
- 6.9 Unless it is a very short investigation, we will provide you with progress updates. We will notify you when the investigation concludes and, where appropriate, will let you know the outcome of the investigation. However, relevant data protection legislation, on-going investigations, or the rights of third parties may impact our ability to provide feedback.
- 6.10 The case manager will, at every Audit Committee ordinary meeting, present a summary of all disclosures received and the material developments, findings and conclusions of investigations since the previous meeting. The Audit Committee may or may not accept such findings and conclusions. The case manager will provide such additional information regarding any disclosure or investigation as may be requested by the Audit Committee.
- 6.11 All steps in the procedure will be carried through as expeditiously as possible but the nature of an investigation requires flexibility.

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<sup>1</sup> Natural justice and procedural fairness do not require that the person affected be informed of the identity of the person making the initial disclosure, unless that communication constitutes part of the evidence relied upon in making the eventual finding.

- 6.12 If you are not satisfied that your concern is being properly dealt with, you have the right to raise the matter, in confidence, with the case manager
- 6.13 At any point in the process, the case manager may refer the matter to the police or other relevant statutory or regulatory body for investigation or action if he or she deems it appropriate.

## **7 Stage 3 Corporation/Principal Action**

- 7.1 This stage consists of the implementation of any recommendations and follow-up action(s) once the investigation report has been considered. The College will take such prompt and appropriate corrective action, if any, as in the judgement of the Audit Committee and/or the College Principal is deemed warranted.

## **8 Confidentiality and Anonymous Disclosures**

- 8.1 Anyone who raises a concern under this procedure has the right to have the matter treated confidentially and not to have their name disclosed to any alleged perpetrator(s) without the disclosing party's prior approval, or where it is required by law. In some cases, there may be no means of pursuing an investigation without revealing the source of the information, in which case your name will be shared on a 'need to know' basis.
- 8.2 Be aware that withholding your name will not necessarily prevent others from successfully guessing who you are.
- 8.3 All discussions will operate independently of any other records we hold.
- 8.4 Anonymous disclosures will be acted upon to the extent that it is reasonable and practicable to do so. However, if you make an anonymous disclosure you will not be protected by the legal protections which apply to whistleblowers and our ability to investigate or provide feedback will also be limited.

## **9 Whistleblower Protection**

- 9.1 The Governing Body is fully committed to the protection of whistleblowers and will not tolerate any victimisation or harassment of anyone who has made a disclosure under this procedure by any co-worker or manager. If you believe that you have suffered any such treatment as a consequence of making a disclosure, you should either:
- report the matter to your line manager under the Grievance Procedure; or
  - report the matter to the Clerk or Chair.
- 9.2 The College regards the victimisation of those who legitimately disclose wrongdoing or malpractice as a serious disciplinary offence.

## **10 External Disclosures**

- 10.1 In most cases we hope you will not find it necessary to refer concerns to anyone outside the College but we recognise, as does the law, that in some circumstances it may be appropriate to do so. The Government publishes a document entitled "Whistleblowing: list of prescribed people and bodies" which details the persons and bodies you can make a disclosure to and the main ones relevant to the FE sector are set out in Appendix 2 below. It will rarely be appropriate to alert the media.



10.2 You are strongly encouraged to seek advice before reporting a concern to anyone external as, if it is not reasonable in the circumstances to do so, you may lose your protections as a whistleblower. The independent whistleblowing charity, Protect, operates a confidential helpline and would be able to advise you on all aspects of making a disclosure, including reporting to a prescribed regulator or other external party. Their contact details are at Appendix 1.

10.3 Whistleblowing concerns may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, you are encouraged to report such concerns internally first.

## 11 **Malicious Allegations**

11.1 The College regards the malicious raising of false and unfounded allegations as a serious matter, which will be dealt with under the Disciplinary Procedure. Where a malicious allegation is made externally, this would be likely be seen as bringing the College into disrepute.

11.2 In the case of malicious allegations, the Director of Governance will report the matter to the Principal, who will initiate the College's disciplinary procedures.

## 12 **If you are not satisfied**

12.1 It is not possible to guarantee any particular outcome but the College will try to deal with any concerns that you disclose fairly and in an appropriate way. By using this procedure, you can help to achieve this.

12.2 It is hoped that you will be satisfied with any action taken. If you are not happy with the way in which your disclosure is handled or the outcome (if we are able to share it), you should address any complaint to the Chair, or the Chair of the Audit Committee if your complaint is about the Chair.

## 13 **Records**

13.1 The Director of Governance will maintain a log of all records relating to any reports of disclosures or retaliatory acts, tracking their receipt, investigation and resolution and the response to the person making the report. The College will retain records of investigation reports for a period of at least seven years.

## 14 **Review**

14.1 Comments, questions and feedback on this document are welcome via the Director of Governance.

14.2 The Director of Governance shall have authority to make changes to the Appendices and to this document to reflect changes to personnel or job roles, contact details, typographical errors or changes to legislation or related policies referenced within it. Any material changes must be approved by the Corporation.

KIRKLEES COLLEGE

## **Raising a Concern**

### **Our Whistleblowing Policy**

The person with whom concerns should be raised is:

Joanna Green

Director of Governance, Kirklees College, Huddersfield Centre

Telephone: 07738 973 114; [JGreen08@kirkleescollege.ac.uk](mailto:JGreen08@kirkleescollege.ac.uk)

The Chair of the Corporation is Mr Gerard Hetherington, who can be contacted through the Director of Governance or by email at [GHetherington@kirkleescollege.ac.uk](mailto:GHetherington@kirkleescollege.ac.uk) (this inbox is monitored by the Director of Governance, so email [SMT\\_Support@KirkleesCollege.ac.uk](mailto:SMT_Support@KirkleesCollege.ac.uk) if your concern is about the Director of Governance.

The whistleblowing charity Protect (registered charity number 1025557) can be contacted for confidential advice:

020 3117 2520

<https://protect-advice.org.uk/contact-protect-advice-line/>

## **PRESCRIBED PEOPLE AND BODIES**

### **Secretary of State for Education (also the Charity Regulator for the FE sector)**

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Tel: 0370 000 2288

Website: [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe)

### **Office of Qualifications and Examinations Regulation (Ofqual)**

Whistleblowing and Malpractice Complaints investigation manager  
Ofqual  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

Tel: 0300 303 3344

<https://complaints.ofqual.gov.uk/>

### **Financial Reporting Council Limited and its conduct committee**

Contact them about matters relating to:

- Statutory Audit in the UK (including oversight, monitoring and enforcement)
- Compliance with the requirements of accounting and reporting legislation

PIDA Officer  
Financial Reporting Council  
8th Floor  
125 London Wall  
London  
EC2Y 5AS

Tel: 0207 492 2497

Email: [whistleblowing@frc.org.uk](mailto:whistleblowing@frc.org.uk)

Website: [www.frc.org.uk](http://www.frc.org.uk)

### **Competition and Markets Authority**

Contact them about matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers; or about competition affecting UK markets.

Competition and Markets Authority  
Victoria House  
37 Southampton Row  
London  
WC1B 4AD

Tel: 020 3738 6000

### **The Information Commissioner**

Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information.

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Tel: 0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)

### **The Environment Agency**

Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment.

National Customer Contact Centre  
PO Box 544  
Rotherham  
S60 1BY

Tel: 03708 506 506

Website: [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

### **Equality and Human Rights Commission**

Contact them about compliance with legislation relating to equality and human rights.

Equality and Human Rights Commission  
Correspondence Unit (Whistleblowing)  
Fleetbank House  
2-6 Salisbury Square  
London  
EC4Y 8JX

Tel: 0161 829 8100

Email: [whistleblowing@equalityhumanrights.com](mailto:whistleblowing@equalityhumanrights.com)

Website: [www.equalityhumanrights.com/whistleblowing](http://www.equalityhumanrights.com/whistleblowing)

### **The Health and Safety Executive**

Contact them about:

- the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998;
- the health and safety of individuals at work, or the health and safety of the public (including students) arising out of or in connection with the activities of persons at work.

Tel: 0300 003 1647

Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm>

[www.hse.gov.uk](http://www.hse.gov.uk)