



WHISTLE BLOWING POLICY

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WHISTLE BLOWING POLICY

(Updated October 2019)

1. PREAMBLE

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to colleagues and/or to the College. They may also fear harassment or victimisation. In these circumstances, it may seem easier to ignore the concern rather than to report what may just be a suspicion of malpractice.
- 1.2 This College is committed to the highest possible standards of openness probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the College's work to come forward and voice those concerns.
- 1.3 Some cases will have to be dealt with on a confidential basis and this document makes it clear that staff can raise matters confidentially without fear of reprisal.
- 1.4 This policy is intended to encourage and enable staff to raise serious concerns within the College rather than overlooking or ignoring a problem or "blowing the whistle" outside.
- 1.5 The policy has been discussed with the relevant trade unions and has their support.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 The aims of this policy are to:
 - provide an avenue for you to raise any concern you may have and to receive feedback on action taken
 - allow you to take the matter further if you are dissatisfied with the initial response you receive, and
 - reassure you that you will be protected from reprisals or victimisation for whistle blowing in good faith.

- 2.2 The College's grievance procedure should be used if you wish to raise any concerns relating to your own employment.
- 2.3 This policy is intended to cover concerns that fall outside the scope of the grievance procedure. Such concerns may be about something that:
- is unlawful or
 - is against the College's standing orders or policies or
 - falls below our established standards or practice or
 - is improper conduct.

3. SAFEGUARDS

Harassment or Victimisation

- 3.1 The College recognises that a decision to report a concern may be difficult, not least because you may fear reprisal from those about whose behaviour you are expressing concern.
- 3.2 The College wishes to make it clear that harassment or victimisation of a person "whistle blowing" in good faith will not be tolerated and action will be taken to protect you when you raise a concern.
- 3.3 This does not mean that if you are or are about to be the subject of disciplinary or redundancy procedures those proceedings will be halted as a result of your "whistle blowing".

Confidentiality

- 3.4 The College will do its best to protect your identity when you raise a concern, if you do not wish your name to be disclosed. However, you must appreciate that the investigation process may have to reveal the source of the information and a statement by you may be required as part of the evidence gathered. Although every effort will be made to protect your identity if you wish it, no guarantee can be given.

Anonymous allegations

- 3.5 You will be encouraged to give your name when you "blow the whistle". This is because a concern expressed by a named individual carries much more weight than one expressed

anonymously. Anonymous concerns will be considered at the discretion of the College but they are less powerful.

- 3.6 In the exercise of discretion whether or not to consider anonymous concerns, the factors taken into account will include:
- the seriousness of the concerns raised
 - the credibility of those concerns, and
 - the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

- 3.7 If you make allegations *in good faith* that are not confirmed by the investigation, no action will be taken against you. However, if you make malicious or vexatious allegations, disciplinary action against you may be taken.

4. HOW TO RAISE A CONCERN

- 4.1 Initially, you should normally raise any concern you have with your immediate manager or your manager's manager. However, this depends, of course, on the seriousness and/or sensitivity of the matters causing you concern and who you think might be involved in the malpractice, e.g. if you believe management may be involved, you should approach the Principal or the Clerk to the Governors.
- 4.2 Obviously it is better if you present your concerns in writing. This will give you the opportunity to set out the background and history of the concern giving as many details as possible, e.g., names, dates and places, and the reasons why you are particularly concerned about the situation. However, if you do not feel able to put your concern in writing, you can ask for a meeting with whichever of the officers you consider to be appropriate.
- 4.3 Remember that the first step in any journey is the hardest. In a matter of this kind the sooner you express the concern the easier it will be for you and for the College to take any appropriate action.
- 4.4 Although you will not be expected to prove the truth of an allegation, you will be expected to demonstrate to the manager to

whom you reported the issue that there are sufficient grounds/ concerns.

- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the College Principal or other member of the Senior Leadership Team – or directly from the Clerk to the Governors.
- 4.6 You may invite your trade union or professional association representative either to raise the matter on your behalf or to accompany you when you raise it.

5. **THE COLLEGE'S RESPONSE**

- 5.1 Any action taken by the College will depend upon the nature of the concern you have raised. This may be handled in any of the following ways:
 - be investigated internally
 - be referred to the Police
 - be referred to the internal and external auditor
 - be referred to the Education & Skills Funding Agency
 - form the subject of an independent enquiry.
- 5.2 In order to protect your identity and the College, initial enquiries will be made to decide whether an investigation is appropriate and, if so, to determine the form it should take.
- 5.3 It may be possible to resolve some concerns by taking agreed action without having to carry out an investigation.
- 5.4 However, if this is not practicable, then the person with whom you have raised the concern will within 10 days of having received it write to you:
 - acknowledging receipt of your communication
 - indicating how the matter will be dealt with
 - giving an estimate of how long it is likely to take to provide a final response
 - telling you what initial enquiries have been made, if any *and*

- telling you whether further investigations will take place and, if not, why not.
- 5.5 The degree of contact between the persons to whom you reported the issue and you personally will depend upon the nature of the matters you have raised, the potential difficulties involved and the clarity of the information you have provided. If it is necessary, you will be asked for further information.
- 5.6 At any meeting arranged to discuss this matter, you have the right to be accompanied by a trade union representative or colleague of your choice, who is not involved in the area of work to which the concern relates.
- 5.7 The College will take steps to minimise any difficulties that you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary procedures, the College will ensure that you are given full advice about how those procedures operate.
- 5.8 The College fully understands that if you have raised a complaint you will need to be reassured that the latter has been properly addressed. Therefore, unless legal constraints prevent it, you will be fully informed about the outcome of any investigation that is carried out.

6. **HOW THE MATTER CAN BE TAKEN FURTHER**

- 6.1 This Policy is intended to provide you with the means of raising concerns, within the College. It is hoped that you will be satisfied with the outcome; if you are not, you will have the opportunity to raise the matter with the Chairman of the College's Board of Governors or any other member of the Board of Governors.

If you are still not satisfied you may contact the following external agencies:

- The College's Chief Internal Auditor
- The College's External Auditor
- The Education & Skills Funding Agency

Contact details as at the latest date of amendment of this policy are contained in the Appendix.

7. THE RESPONSIBLE OFFICER

- 7.1 The Clerk to the Governors has overall responsibility for the maintenance and operation of this Policy. The Clerk may be contacted either via the College mailing system or by telephoning him (see Appendix). The Clerk will maintain a record of all concerns raised and their outcomes (in a form which will not endanger your confidentiality) and will report as necessary to the College's Board of Governors.

Contact Details for External Bodies

- **The College's Chief Internal Auditor:**

Mr Jonathan Creed
Head of Internal Audit
ICCA Education Training & Skills
McLaren House
46 Priory Queensway
Birmingham
B4 7LR

Tel. 0844 800 9870

- **The College's External Audit Partner:**

Mr G Jones
Audit Director
RSM UK Audit
7 Lewis Court
Grove Park
Enderby
Leicestershire
LE19 1SD

Tel. 0116 282 0050

- **Education & Skills Funding Agency:**

FE Territorial Team
Agora
Cumberland Place
Nottingham
NG1 6HG

Tel. 0370 000 2288

Email. paul.phillipson@education.gov.uk

- **Interim Clerk to the Governors**

Michael Tolond Tel. (mobile) 07764193475