

# **THE CORNWALL COLLEGE GROUP**

## **Whistleblowing Policy and Procedure**

### **1. Introduction**

- 1.1 The College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide staff with a means for raising genuine concerns of breaches of the law, suspected bribery and/or other serious wrongdoings. The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.2 The College encourages staff to raise genuine concerns about suspected wrongdoing at the earliest practicable stage.
- 1.3 This policy and procedure also aims to encourage staff to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, should staff raise a concern otherwise than under this procedure, it may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure also seeks to balance the need to allow a culture of openness with the need to protect other staff against vexatious allegations or allegations which are not well-founded.
- 1.5 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Head of Learner Journey. This policy and procedure is designed for the use of staff of the College.

### **2. Applicability of this policy and procedure**

- 2.1 This policy applies to all staff engaged by the College, including all employees, apprentices, casual staff, employees of subcontractors and agency staff engaged by the College.
- 2.2 Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any staff member in this situation is encouraged to approach Alison Phillips, the Corporation Secretary in confidence for advice:  
[alison.phillips@cornwall.ac.uk](mailto:alison.phillips@cornwall.ac.uk)

Head Office, Cornwall College, Tregonissey Road, St Austell PL25 4DJ

01726 226528 direct

01726 226667 office

01726 69625 home

The Corporation Secretary is employed by the Corporation Board not the College and is therefore independent of college management.

### **3. Protected disclosures**

- 3.1 The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows staff to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A

'protected disclosure' must, in the reasonable belief of the staff member making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

#### **4. Specific Subject Matter**

If, in the course of employment, a staff member becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are 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, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

#### **5. Procedure for making a disclosure**

- 5.1 Information which a staff member reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to the Corporation Secretary in writing so that any appropriate action can be taken. The Corporation Secretary reports directly to the Corporation Board and is therefore well placed to deal with concerns.
- 5.2 If it is inappropriate to make such a disclosure to the Corporation Secretary, a staff member can raise the issue with the Deputy CEO (Excellence and Experience).
- 5.3 Staff 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 individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
  - The seriousness of the issues raised in the disclosure.
  - The credibility of the concern.
  - How likely it is that the concern can be confirmed from attributable sources.
- 5.4 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Corporation Secretary. Whilst advice about the policy can be given in confidence where a specific disclosure is made confidentiality will be maintained as far as possible dependant on the disclosure. There are situations where a disclosure must be shared such as to protect a child or to safeguard Health and Safety or prevent a criminal act from occurring.

#### **6. Procedure for investigation of a disclosure**

- 6.1 When a staff member makes a disclosure, the College will acknowledge its receipt, in writing,

within a reasonable time.

- 6.2 The College will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the staff member will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy and procedure. Considerations to be taken into account when making this determination may include the following:
- If the Corporation Secretary is satisfied that a staff member does not have a reasonable belief that suspected malpractice is occurring; or
  - If the matter is already the subject of legal proceedings or appropriate action by an external body; or
  - If the matter is already subject to another, appropriate College procedure.
- 6.3 When a staff member makes a disclosure which has sufficient substance or merit warranting further action, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the Police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
- 6.4 If appropriate, any internal investigation will be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.
- 6.5 Any recommendations for further action made by the College will be addressed to Amarjit Basi, Principal and CEO as appropriate in the circumstances. The Principal and CEO will take all steps within his power to ensure the recommendations are implemented.
- 6.6 The staff member making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chair of the Audit Committee or Chair of the Board within five working days through the Corporation Secretary (see contact details in section 2.2). The Principal or designated Senior Post Holder will make a final decision on action to be taken and notify the staff member making the disclosure.

## **7 Safeguards for staff making a disclosure**

- 7.1 A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by the College and, where possible, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the staff member making the disclosure without their consent unless the College is legally obliged to do so, or for the purposes of seeking legal / safeguarding advice. Where the College must disclose a name to an outside body such as the Police the staff member will be notified of this disclosure in advance.
- 7.2 No disciplinary action will be taken against a staff member on the grounds of making a disclosure under this policy or procedure. This does not prevent the College from bringing disciplinary action against a staff member where the College has sound reason to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 7.3 A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure,

disciplinary action will be taken by the College against the colleague in question (see section 10.1).

## **8. Disclosure to external bodies**

- 8.1 This policy and procedure has been implemented to allow staff to raise disclosures internally within the College. A staff member has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.
- 8.2 Staff may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on [the GOV.UK website](#).
- 8.3 Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4 If a staff member seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

## **9. Accountability**

- 9.1 The College will keep a record of all concerns raised under this policy and procedure (including cases there is no case to answer and therefore that no action should be taken) and will report to the Corporation Board's Audit Committee as appropriate.

## **10. Further assistance for staff**

- 10.1 **The College will not tolerate any harassment or victimisation of staff who make disclosures.** If, at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing/email, to the Deputy CEO (Excellence and Experience).
- 10.2 A staff member making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Deputy CEO (Excellence and Experience) or Human Resources Manager. Such a request would be made in confidence.
- 10.3 Staff can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers  
6 - 10 Borough High Street  
London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<http://www.pcaw.org.uk>

Approved by Corporation Board 7 May 2014
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