

POLICY TITLE	08M WHISTLEBLOWING POLICY AND PROCEDURE
REVIEW CYCLE	Every 3 years
LAST REVIEWED ON	01 April 2022
NEXT REVIEW DATE	01 April 2025
PERSON (S) RESPONSIBLE	Director of Human Resources & Legal Services
APPROVING BODY	Corporation Board (advised by the Principal and Executive Board)
PURPOSE	The purpose of this policy is to establish procedures for public interest disclosures.

0-8M WHISTLEBLOWING POLICY AND PROCEDURE

1. PURPOSE

The College is committed to the highest standards of openness, probity and accountability. Where an individual discovers information which shows malpractice within the organisation, then this information should be disclosed without fear of reprisal.

All employees of the College owe a duty of confidentiality to the College. This legal duty prohibits employees from disclosing confidential information concerning the College, its officers or employees or any other matter concerning the business of the College to anybody other than their employer. The only exception to this is in the very limited circumstances set out in Part IVA of the Employment Rights Act 1996.

The purpose of this policy is to ensure that staff have clear guidelines should they wish to report any matter of malpractice concerning College business (including failure to comply with a legal obligation, criminal activity, financial malpractice or impropriety or fraud, health and safety matters or any action which may cause damage to the environment), or concerning activities of College employees.

2. SCOPE

This policy applies to all permanent and temporary employees, and any contractors or consultants who have a contractual relationship with the College.

3. RAISING EMPLOYEE CONCERNS

There may be circumstances where an individual has concerns with respect to a particular aspect of College business or the activities of College employees, which they believe may affect and/or prejudice the interests of the College, the general public and/or breach any legislation.

Employees wishing to report any such concerns should do so through one of the following formal internal procedures in the first instance:

Subject of concern	Procedure
Colleague (safeguarding concern)	Disclosure to the Head of Enrichment, Safeguarding and Welfare (Lead DSL) and Director of Human Resources.
Colleague (other)	Grievance Procedure
About a Line Manager or other Manager in direct line management	Grievance Procedure
Criminal activity, financial malpractice or impropriety or fraud, failure to comply with a legal obligation, health and safety, or matters of environmental concern	Disclosure to a relevant Manager, or Director, as stipulated in this Public Interest Disclosure Policy

If any of the above approaches proves unsuccessful then the person raising the concern should refer the matter to the Principal direct or to the Chair of the Board of Governors (or any individual Governor who may have been nominated to deal with such issues) as a matter of urgency.

Employees raising genuine concerns through any of the procedures outlined above may do so without fear of reprisal from any source, and in the knowledge that such concerns will be promptly and properly investigated. Due consideration will be given by the College to the maintenance of confidentiality where this will not hinder or frustrate any investigation. Equally, however, the person raising the concern must also have regard to maintaining confidentiality while the procedure is in operation.

Individuals should make the approaches and seek satisfactory resolution of their concerns as provided above, before raising their concerns with anyone outside of the College. Failure to do so may amount to a breach of confidentiality, which is a disciplinary matter, which will be dealt with accordingly.

Disclosure without using the procedures outlined above is only permitted in the very limited circumstances set out in Part IVA of the Employment Rights Act 1996. A summary of the relevant provisions of the Act is available from the Human Resources Directorate on request.

Due to the very limited protection given by the Act, the College strongly urges all employees to use the procedures outlined in this policy wherever possible. In addition, the College recommends that employees should not rely on the provisions of the Act without seeking independent legal advice before making any disclosure.

Individuals who fail to comply with these guidelines or make disclosures in bad faith will be subject to the College's disciplinary procedure and disciplinary action, up to and including dismissal, may be taken.

4. RESPONSIBILITY

All those persons within the scope of this policy are required to adhere to its terms.

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy should be discussed with the Human Resources Directorate prior to any action being taken.

The Human Resources Directorate has responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the Director of Human Resources & Legal Services.

5. RELATED PROCEDURES

Standards of Conduct (for staff and senior staff)	Disciplinary Procedures
Respect and Dignity at Work	Grievance Procedure

6. REVIEW

This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice by the Human Resources Directorate, in conjunction with relevant parties.

7. GENERAL

This policy is to be read cross-reference with all relevant College and service delivery policies.

Newham College
Form for use by employees to raise matters of concern

Purpose of this form:

There may be occasions where an employee of the College becomes aware of facts which give rise to a genuine concern that one or more types of wrongdoing has occurred. In such circumstances, employees are encouraged to raise those concerns with College management, thereby enabling them to be investigated and handled appropriately. Employees who raise concerns in a manner consistent with legal requirements enjoy protection from dismissal or detriment on account of having done so. The purpose of this form is to allow an employee to identify the matters of concern which they wish to raise with College management, thereby enabling those concerns to be dealt with in the appropriate manner.

If you do have a concern about one or other of the 6 matters listed below, you are asked to complete this form, sign the declaration at the foot of it, and send it to Human Resources Directorate.

Full Name		Job Title	
Line Manager		Directorate	
Please indicate what your concern relates to:	<input type="checkbox"/> Criminal Activity <input type="checkbox"/> Financial Malpractice or impropriety or fraud <input type="checkbox"/> Failure to comply with a legal obligation <input type="checkbox"/> Health & safety <input type="checkbox"/> Action which may cause damage to the environment <input type="checkbox"/> Any other matter of malpractice concerning College business		
Please set out details of the concern (including specific names, dates and actions taken)			

Declaration by employee:

I understand that all employees owe a duty of confidentiality to the College and that this legal duty prohibits employees from disclosing confidential information concerning the College, its officers or employees or any other matter concerning the business of the College to anybody other than the employer. The only exception is in the very limited circumstances set out in Part IVA of the Employment Rights Act 1996.

I confirm that I am making this disclosure to the College, in good faith and that it is true to the best of my knowledge.

Signed: _____ Date: ___/___/20___