

NEWHAM COLLEGE LONDON

Whistleblowing (Public Interest Disclosure) Policy & Procedure

Owner	Director of Governance
Approving Committee	Audit & Risk Committee
Approval Date	July 2026
Review Due Date	June 2029

1. Introduction

This Policy has been developed in accordance and under the guidance of the:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act (1996)
- Enterprise and Regulatory Reform Act (2013)
- Association of Colleges' Whistleblowing Guidance for Colleges (2013)

The Corporation will keep its policy and procedures on whistleblowing under review to take account of any new Government legislation, regulations, or best practice documents to ensure that the Corporation is kept fully up to date with its responsibilities and duties regarding whistleblowing and protection of whistleblowers.

This policy applies to

- all employees of the College, and apprentices, volunteers and interns;
- workers which include any casual workers and home-based casual workers;
- employees of subcontractors and self-employed contractors;
- agency workers engaged by the College
- consultants engaged by the College

For the avoidance of doubt the use of the term "worker" in this policy applies to all categories of person to whom this policy applies as set out above.

This policy needs to be read and considered alongside any policy, process or practice that is relevant. This will include College policies and procedures, Government/bodies or other agency guidance or code of conduct. This type of guidance should be referred to when considering a disclosure.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the College's Grievance or Complaints procedures. If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at section 5 below, you should discuss with the HR or Safeguarding Team, whichever route is most appropriate.

This policy forms a key part of the College's safeguarding framework. All staff have a duty to raise concerns where there is a risk to the safety or welfare of children, young people or vulnerable adults, in line with Keeping Children Safe in Education and the College Safeguarding Policy. The HR or Safeguarding Team can provide guidance or advice if required.

2. Policy Aims

We are committed to conducting our business with honesty and integrity, and we expect all workers to maintain high standards i.e. the 7 Nolan Principles of Public Life. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring and to address them when they do occur. Whistleblowing forms part of the College's safeguarding culture and supports the protection of children, young people and vulnerable adults

The purpose of this policy is:

- 2.1. To provide a transparent and confidential process for dealing with concerns; To reassure anyone that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken;
- 2.2. To reassure anyone making a genuine disclosure that they will be listened to and protected from possible reprisal or victimisation for whistleblowing
- 2.3. To be aware that there are other College processes for workers to raise concerns arising from their employment or College activities as outlined above.

3. Safeguards for Workers Making a Disclosure

A worker making a disclosure under this procedure can expect their matter to be treated in a confidential and sensitive manner by the College. Where applicable, the identity of the worker making the disclosure will not normally be disclosed to anyone implicated in the suspected wrongdoing, without prior discussion.

However, complete confidentiality cannot be guaranteed. There may be circumstances where the College is required to disclose information, including the identity of the worker, where:

- it is necessary to comply with a legal or regulatory obligation (for example in relation to safeguarding, criminal investigations, or regulatory bodies);
- disclosure is required to enable a fair and thorough investigation, including where individuals need to respond to allegations made against them; or
- disclosure is otherwise required by law.

In such cases, the College will, wherever possible, inform the worker in advance and discuss the need for disclosure. The College will take all reasonable steps to protect the worker from any detriment as a result of the disclosure.

All information relating to a disclosure will be handled in accordance with data protection legislation and will be shared strictly on a “need-to-know” basis.

No formal disciplinary action will be taken against a worker on the grounds of making a genuine disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against a worker where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.

A worker 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 genuine disclosure in accordance with this policy and procedure, even if they turn out to be mistaken. Equally, where a worker 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.

The College actively promotes a culture where all staff feel safe, supported and expected to raise concerns without fear. Whistleblowing is viewed as a positive contribution to safeguarding and organisational improvement

4. Definition of Whistleblowing

The law does not define the term 'whistleblowing'. Whistleblowing can be described as the disclosure of information which relates to suspected wrongdoing or dangers by employers or third parties in the context of the workplace.

5. Qualifying Disclosures

The law protects workers who out of a sense of public duty want to reveal suspected wrongdoing or malpractice. The law allows workers to raise what is defined as a "qualifying disclosure". For it to be a qualifying disclosure, a disclosure must relate to a specific subject matter, and the disclosure must also be made in an appropriate way. A qualifying disclosure must be in the reasonable belief of the worker making it and made in the public interest. A qualifying disclosure must consist of information and not merely be allegations of suspected malpractice.

A "qualifying disclosure" means any disclosure which, in the reasonable belief of the worker making it, tends to show one or more of the following:

- that a criminal offence has been committed, is being committed, or is likely to be committed.
- that a person has failed, is failing, or is likely to fail to comply with any legal or regulatory obligation to which he/she is subject
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of any individual has been, is being, or is likely to be endangered
- that the environment has been, is being or likely to be damaged
- that information tending to show any matter of failing within any of the preceding paragraphs has been, is being, or likely to be deliberately concealed.

6. Procedure for making a disclosure

6.1. The Audit & Risk Committee must be informed immediately, via the Director of Governance of all whistleblowing allegations along with the proposed steps that will be taken to investigate the allegations and the outcomes of that investigation. It is the responsibility of the Audit & Risk Committee to ensure that such proposed investigations are proper, proportionate, and independent. Investigations will be conducted independently of any individuals implicated in the disclosure wherever possible.

6.2. Information which a worker reasonably believes tends to show one or more of the situations detailed in Section 5 above, should promptly be disclosed to the Director of Governance, so that any appropriate action can be taken. Information can be emailed to clerk.corporation@newham.ac.uk.

6.3. If the matter directly concerns the Director of Governance, then the disclosure should be made to the Principal & CEO. If the matter directly concerns both these individuals, then the Chair of the Governing Board should be approached. The appropriate person will become the Investigation Manager for the subsequent procedures.

6.4. The College actively encourages all workers to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be able to notify the worker 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 to an anonymised disclosure considering the following:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources

Concerns relating to safeguarding should also be reported to the Designated Safeguarding Lead (DSL). In these instances, the College will follow the London Safeguarding Children's Procedures as referenced in the College Safeguarding Policy.

6.5. The worker reporting the concern should be as factual as possible and will include for example dates, times, and any conversations etc. The concern should be reported in writing where possible. If a report is made orally, the person to whom the concern is reported should record full details of the statements and allegations made.

6.6. For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, workers should speak in confidence to the Director of Governance.

7. Procedure for the investigation of a disclosure

7.1. When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within 7 working days.

7.2. The College will then determine whether it believes that the disclosure is wholly without substance or merit. If the disclosure is considered not to have sufficient merit to warrant further action, the worker 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 when making this determination may include the following:

- 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.

7.3. Where a worker makes a disclosure which has sufficient substance or merit warranting further action the College will take any action deemed appropriate (including action under any other applicable College policy or procedure). Potential 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. Where a disclosure indicates potential criminal activity, the College may refer the matter to the police at any stage of the process.

- 7.4. If appropriate, any internal investigation would be commissioned by the Director of Governance, Principal & CEO or Chair of Audit & Risk Committee as applicable, and this may be conducted by an external investigator appointed by the College. Any person undertaking an investigation should be trained and understand how the policy operates before they handle a disclosure. A timetable for the investigation will be drafted and will be shared with the worker making the disclosure and the timetable will vary from case to case depending upon the complexity of the case.
- 7.5. At any meeting to discuss the disclosure the worker making the disclosure may be accompanied by a trade union representative or colleague. For the avoidance of doubt, this is not permitted to be a legal adviser. Companions must respect the confidentiality of the disclosure and subsequent investigation.
- 7.6. Any worker named in a Whistleblowing disclosure will be informed of the allegation and supporting evidence at least 5 working days before any meeting involving them. They will have the right to be accompanied by a workplace colleague or recognised trade union representative to any investigation meeting.
- 7.7. The worker who made the disclosure will also receive periodic updates on progress where appropriate. If the investigation is delayed or prolonged for any reason, the Director of Governance, Director of HR Operations, Principal & CEO or Chair of Audit & Risk Committee as applicable, will inform all parties involved, providing an estimated timeframe for conclusion.
- 7.8. Any recommendations for further action made by the investigation manager will be addressed to the Principal & CEO as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 7.9. The worker who made the disclosure will be informed in writing of the actions taken by the College within a reasonable period following the investigation. All information shared will be subject to confidentiality, data protection and information sharing protocols. There will be no automatic right for the individual who made the disclosure to receive detailed investigation reports. The level of detail provided will depend on the nature of the case, including considerations of safeguarding, confidentiality, and any ongoing legal or regulatory processes.
- 7.10. The procedure encourages timely investigation of disclosures, although the College acknowledges that timescales need to be flexible, as different types of concerns will require varying time for investigation e.g.
- Safeguarding matters
 - Disciplinary matters
 - Criminal matters
 - Confidential or personal data

7.11. All communications with the worker making the disclosure will be in writing and sent to the worker's home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College should keep the worker concerned updated as to the progress of the investigation and estimated timeframe for its conclusion.

7.12. If the worker is not satisfied that their concerns have been appropriately addressed, they can appeal against the outcome within ten working days of being informed of the outcome of the investigation by raising the issue with the Principal & CEO within 10 working days. The Principal & CEO will make a final decision on the action to be taken and notify the worker making the disclosure. Should the disclosure have concerned the Principal & CEO then any appeal should be directed to the Chair of Audit & Risk Committee.

8. Disclosure to external bodies

8.1. This policy and procedure have been implemented to allow workers to raise disclosures internally within the College. A worker may make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law and data protection.

8.2. Workers 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 at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

8.3. Workers can also make disclosures on a confidential basis to a practising legal professional.

8.4. If a worker makes disclosures or seeks advice outside of the College, they must ensure disclosures are made responsibly and in line with confidentiality requirements.

9. Training, Communication & Awareness

The College is committed to ensuring that all workers are aware of this policy and understand how to raise concerns appropriately.

9.1. The College will ensure that this policy is easily accessible and is communicated through appropriate channels, including internal communications, intranet publication, and periodic awareness campaigns.

9.2. Updates to this policy will be communicated promptly to all workers.

9.3. Training will be proportionate to roles and responsibilities, with enhanced training provided to managers and those responsible for receiving or investigating disclosures.

9.4. The College will promote a culture of openness and accountability, ensuring workers feel confident in raising concerns and understanding the protections available to them.

10. Accountability

The College will keep a confidential record of all concerns raised under this policy and procedure including cases where the designated person deems that there is no case to answer and therefore that no action should be taken. The Director of Governance will report to the Audit & Risk Committee on an annual basis or earlier as appropriate.

11. Further Assistance for Employees

11.1. The College will not tolerate any form of bullying, harassment or victimisation of employees who make disclosures. If at any stage of this procedure a member of staff feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter in writing, to the Director of HR Operations. Such behaviour may lead to the College taking disciplinary action.

11.2. A worker 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 Director of HR Operations. Such a request would be made in confidence.

11.3. Workers can also contact the charity [Protect | Speak Up, Stop Harm](#) for confidential advice on whistleblowing issues. Contact details are as follows The Green House, 244-254 Cambridge Heath Road, London E2 9DA Whistleblowing Advice Line: 020 31172520.