

Whistleblowing (Public Interest Disclosure) Policy and Procedure

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Putting Students First

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Chronology of updates

Version	Review Date	Made by	Revision Type	Changes
V1	June 2024	Cheryl Blackley	Update	<ul style="list-style-type: none">Updated policy into new format, removed duplication, job title changes, legislation definitions update and alignment to culture
V2	June 2025	Cheryl Blackley	Update	<ul style="list-style-type: none">Updated to expanded the definitions section, inclusion of reference to health and safety policies

1. Introduction

The Isle of Wight College (the “College”) is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide staff members and for the purposes of the policy and procedure, all staff members, subcontractors, volunteers, agency and subcontractors will be defined as “workers”. This policy and procedure provide workers with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

The College encourages a free and open culture in dealings between its managers, workers and all people with whom it engages in business and legal relations. In particular, the College recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the College is able to provide outstanding learning provision for students and the community as a whole.

The college encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure are intended to provide safeguards to enable workers to raise concerns about malpractice in connection with the college.

Staff members and workers who in the public interest raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

2. Policy Statement

The Public Interest Disclosure Act 1998 allows workers to raise such concerns externally and this policy and procedure informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

3. Scope

This policy applies to all types of ‘workers’ which is defined as:

- All staff members of the college, including apprentices; and
- Workers, those providing services on behalf of the college by a third party
- Agency workers and Volunteers engaged by the college, which include HOST families

Workers 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 worker in this situation is encouraged to approach their line manager, the Head of Human Resources, People and Culture or a member of the senior leadership team in confidence for advice.

Learners are beyond the scope of this policy however, they are encouraged to raise concerns with the relevant Assistant Principal or Senior Postholder.

This policy covers, but is not limited to, allegations of fraud, financial irregularities, corruption, bribery, dishonesty, criminal activities, failing to comply with a legal obligation, miscarriages of justice or creating, concealing or ignoring a serious risk to health, safety or the environment.

4. Legal and Regulatory Framework

The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure in accordance with the Public Interest Disclosure Act 1998. The college is also committed to ensuring compliance with the Bribery Act 2010.

The Policy takes into account guidance from ACAS, statutory requirements including the Bribery Act 2010 and DfE Guidance specific to Further Education including 'Keeping Children Safe in Education.

5. Definitions

Workers – are individuals either employed, volunteering, contracted or working on behalf of the College in a paid or unpaid capacity

Whistleblowing - It covers a concern which is in the public interest and is in the reasonable belief of the individual or group of individuals.

What is not whistleblowing – Personal grievances (eg bullying, harassment, employment contract or policy breaches) are likely to not be covered by Whistleblowing, unless the particular case is in the public interest.

Keeping Children Safe in Education – Department of Education statutory guidance outlines the legal requirements placed on schools and colleges when carrying out responsibilities to safeguard and promote the welfare of children under the age of 18

General Data Protection Regulations - GDPR governs the way in which the College can use, process, and store personal data (information about an identifiable, living person).

Employment Rights Act 1996 – Consolidates and outlines the rights of staff member in the workplace, covering issues such as unfair dismissal, redundancy pay, written terms and conditions of employment, flexible working, and protection against discrimination.

Public Interest Disclosure Act 1998 – This act allows workers to raise concerns about wrongdoing in the workplace without fear of reprisal, provided that the disclosure is made in the public interest. For example, reporting criminal offences, breaches in legal obligations, miscarriages of justice, health and safety dangers, environmental damage and deliberate concealment of any of these issues.

Equality Act 2010 - Legally protects people from discrimination in the workplace and wider society. It consolidated various anti-discrimination laws into a single Act, simplifying the law and strengthening protection.

6. Policy Objectives

This policy and procedure aim to encourage workers to raise genuine concerns through internal college procedures without fear of adverse repercussions being taken against them.

This policy and procedure seek to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.

Learners at the college are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to student services which is covered separately under the Student Complaints Policy.

7. Responsibilities

7.1 **Governors/Principal/Senior Leadership Team** have responsibility for:

- monitoring this policy and procedure and the concerns or issues that are raised as a result
- ensuring that this policy and procedure are implemented across all areas of the college

The College recognises that it may be vicariously liable should it be seen to have failed to take reasonable steps to prevent the harassment or victimisation of whistleblower by their colleagues.

7.2 **Line Managers** have responsibility for:

- taking the workers concerns seriously
- understanding the difficult position, a worker may be in
- considering the concerns carefully and undertake an investigation
- seeking appropriate advice from your immediate manager and Human Resources
- taking prompt action to resolve the concern or refer it to an appropriate person
- keeping the worker informed of the process
- monitoring and reviewing the situation and inform senior managers and the head of human resources, people and culture
- ensuring individuals who genuinely report concerns are not penalised

7.3 **All Workers** have the responsibility for:

- ensuring that the best standards of care are achieved.
- reporting any concerns that something is happening which might compromise this standard to a college worker as outlined in this policy and procedure
- raising concerns with a reasonable belief that it is made in the public interest
- not raising concerns with any malicious intent.

Workers should be aware that they will be personally liable if they subject a whistleblower to detriment treatment.

8. Procedures

8.1 **Protected disclosures**

The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see Section 8.2 below) and the disclosure must also be made in an appropriate way (see Section 8.3 below).

A 'protected disclosure' must, in the reasonable belief of the worker making it,

also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

8.2 Specific subject matter

If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, as defined by ACAS, workers must use this policy and procedure:

- A criminal offence, for example, if a worker has been trying to bribe people
- the breach of a legal obligation by an organisation, for example, if an organisation has neglected their duty of care towards children in their care
- a miscarriage of justice, for example, if a worker has been fired for something that turned out to be a computer error
- an individual or groups of individuals health and safety is in danger, for example, if an organisation has forced staff to serve food they know has been contaminated
- damage to the environment, for example, if an employer has been regularly polluting local rivers
- that information tending to show any of the above, is being, or is likely to be, deliberately concealed

advice can be sought from the Head of Human Resources, People and Culture or the Director of Governance if there is uncertainty about what qualifies as a disclosure. Advice and guidance can also be sourced externally via www.gov.uk/whistleblowing and www.acas.org.uk.

8.3 Procedure for making a disclosure

The College will seek to ensure all workers are made aware of this policy and procedures, which will be made available to them during their induction program. This policy and procedure will be available on the staff intranet site and the College website.

Information which a worker reasonably believes tends to show one or more of the situations given in paragraph 8.2 above should promptly be disclosed to their line manager so that appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with their Head of Department/Head of Human Resources, People and Culture/the Director of Governance/Member of the senior leadership team.

If the disclosure relates to the principal, a worker must raise the issue with the Director of Governance. In the event that the disclosure relates to the Director of Governance, a worker may raise the issue with the Chair of the Board of Governors. In these circumstances the procedure will be led by a member of the Board of Governors.

Workers 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

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 Head of Human Resources, People and Culture or the Director of Governance.

8.4 Procedure for investigation of a disclosure

When a worker makes a disclosure, the college will acknowledge its receipt, in writing, within a reasonable time.

The college will 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 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 into account when making this determination may include the following:

- if the college is satisfied that a worker 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.

When a worker 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
- referral to relevant external bodies such as the police, Health and Safety Executive or the Information Commissioner's Office

If appropriate, any internal investigation would be conducted by a manager of

the college without any direct association with the worker to whom the disclosure relates, or by an external investigator appointed by the college as appropriate.

The investigation will be carried out in an expeditious fashion; however, no timescales are set, as different types of concerns will require varying time for investigation.

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 or email. If investigations are prolonged, the College will keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

Any recommendations for further action made by the college will be addressed to the Principal or Chair of the College's Board of Governors 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.

The worker 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 worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by writing to the principal or another designated appeal officer within 7 working days. The appeal officer will make a final decision on action to be taken and notify the worker making the disclosure.

8.5 Safeguards for workers making a disclosure

A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the college and, where applicable, 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 worker making the disclosure without their written consent, or unless the college is legally obliged to do so, or for the purposes of seeking legal advice.

Workers should be aware that this policy and procedure will apply where they reasonably believe that the information disclosed and any allegation contained in it are substantially true. If any disclosure concerns information which workers do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence

for the purposes of the College's disciplinary policy and procedures and may constitute gross misconduct for which summary dismissal is the sanction.

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 disclosure in accordance with this policy and procedure. 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.

There is no need for a worker to prove that the breach or failure that they are alleging has occurred or is likely to occur; a reasonable suspicion will suffice, i.e., where the worker reasonably believes that the information disclosed is substantially true. Workers should, however, note that they are not entitled to make a disclosure if in so doing they commit a criminal offence.

8.6 Disclosure to external bodies

This policy and procedure has been implemented to allow workers to raise disclosures internally within the college. A worker 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.

Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found on the government's website www.gov.uk/whistleblowing

Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a worker seeks advice outside of the college, they must be mindful not to breach any confidentiality obligations or to damage the college's reputation in so doing.

8.7 Accountability

The college will keep a record of all concerns raised under this policy and procedure (including cases where the college deems that there is no case to answer and therefore that no action should be taken) and a formal report will be provided to the Principal and Audit Committee on an annual basis.

8.8 Concerns relating to safeguarding practices

The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of the procedure, a worker 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 Principal or the Chair of Corporation.

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 should be addressed to the Head of Human Resources, People and Culture. Such a request will be treated in strict confidence

Where a worker feels unable to raise an issue through this policy or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them including from ACAS (www.acas.org.uk) and the Whistleblowing Advice Line described below. In addition, the government has advice and information available on how to raise concerns at www.gov.uk/whistleblowing

In addition, where a worker has specific concerns regarding possible child protection failures within the College, the NSPCC whistleblowing helpline is available for workers who do not feel able to raise those concerns internally. Workers can call 0800 028 0285 and the line is available from 8.00 am to 8:00 pm, Monday to Friday or via email: help@nspcc.org.uk. Further information can be found at www.nspcc.org.uk.

8.9 Further assistance for workers

Workers can also contact, in confidence, the charity 'Protect' via their confidential Whistleblowing Advice Line on 020 3117 2520, or further information and contact details are available on their website at www.protect-advice.org.uk.

9. Training and Awareness

All workers will be made aware of this policy and procedure during induction and any updates to the policy and procedure will be communicated to workers via internal channels, which will include the College's staff intranet.

This policy and procedure must be read in conjunction with:

- Grievance Policy
- Financial Regulations Procedures
- Equal Opportunities Policy
- Health and Safety Policies and Procedures

10. Monitoring and Review

The human resource team will maintain records of whistleblowing allegations and will monitor the effectiveness of this policy following each case.

11. Confidentiality

Information in relation to this policy and procedure will be managed in accordance with the legal requirements placed on the College under the Public Interest Disclosure Act 1998, and stored and managed in line with General Data Protection Regulations.

12. Record Keeping

Information in relation to this policy and procedure will be stored and managed in accordance with the legal requirements place on the College under Public Interest Disclosure Act 1998, General Data Protection Regulations, also taking account of the College's Retention Policy and Procedure.

13. Communication

This policy and procedure will be available to all workers via the college's intranet site, this will be included in a worker's induction.

14. Evaluation and Reporting

The Head of Human Resources, People and Culture will report annually to Corporation on any Public Interest Disclosures made during the previous 12 months.

15. Review and Amendment History

Please see the Chronology earlier in this document.

16. Appendices

N/A