



WhistleBlowing Policy

Policy Number	New or Reviewed	Date of next Review	Responsibility
HCP044	November 2017	November 2018	Principal

Empowering learners to shape their future

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WHISTLEBLOWING POLICY

1. Introduction

- 1.1. Employees and College Governors are often the first to realise that there may be something seriously wrong within Horizons College. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Horizons College. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2. Horizons College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, Horizons College encourages employees and others with serious concerns about any aspect of Horizons College's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Disclosure Policy is intended to encourage and enable staff and Governors to raise serious concerns within Horizons College rather than overlooking a problem or blowing the whistle outside.
- 1.3. This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the Horizons College.
- 1.4. This policy is intended to encourage and enable employees and Governors to raise serious concerns within Horizons College, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.

2. AIMS AND SCOPE

- 2.1. This policy aims to:
 - a. Provide avenues for staff to raise concerns and receive feedback on any action taken.
 - b. Allow staff to take the matter further if they are dissatisfied with Horizons College's response.
 - c. Reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2. There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.
- 2.3. That concern may be about something that:
 - a. Is unlawful.

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- b. Is contrary to Horizons College's policies.
 - c. Falls below established standards or practice.
 - d. Amounts to improper conduct.
- 2.4. For example (this list is not exhaustive):
- a. Malpractice or ill treatment of a client / customer by a senior member of staff.
 - b. Repeated ill treatment of a client / customer, despite a complaint being made.
 - c. A criminal offence has been committed, is being committed or is likely to be committed.
 - d. Suspected fraud.
 - e. Disregard for legislation, particularly in relation to health and safety at work.
 - f. Breach of standing Financial Regulations.
 - g. Showing undue favour over a contractual matter or to a job applicant.
 - h. A breach of any code of conduct or protocol.
 - i. Information on any of the above has been, is being, or is likely to be concealed.
 - j. Abuse of clients/pupils
- 2.5. The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.
- 2.6. It is important to know the difference between whistleblowing and a complaint or grievance. In practical terms, whistleblowing occurs when a worker raises a concern about danger or illegality that affects others (such as clients or the general public).
- 2.7. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has an immediate personal interest in the outcome of any investigation into their concerns. The whistleblower is a witness not a complainant. They are not expected to prove their case; rather, they raise an issue so that others can address it.
- 2.8. This is different from a complaint. When someone complains or takes out a grievance, they are saying they have personally been poorly treated. For example, this might involve a breach of their individual employment rights, or harassment, and the complainant is seeking justice and redress for themselves. They will have a personal vested interest in the outcome of the complaint, and, in these cases staff should use the Care and Repair Grievance Procedure.

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3. SAFEGUARDS

3.1. Harassment or Victimisation:

- a. Horizons College recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Horizons College will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. Horizons College will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.
- b. This does not mean that if staff are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

3.2. Confidentiality:

- a. Horizons College will do its best to protect a staff member's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of the evidence.
- b. This policy encourages staff and Governors to raise concerns and not to remain anonymous, by ensuring that they will be protected from victimisation. However, if they wish to remain anonymous, we will attempt to protect their identity. This may not always be possible as employees who report concerns may be required to give evidence as a witness, in situations where disciplinary or criminal action is taken. Horizons College will not tolerate the harassment or victimisation of anyone raising a genuine concern. Reprisals against an employee or Governor in such cases will be treated as a disciplinary matter which may lead to a sanction up to and including dismissal.
- c. Horizons College will use its discretion in maintaining the anonymity of the individual concerned and will take into account various factors such as the seriousness of the issue(s) raised and the likelihood of obtaining information from alternative sources, which would confirm the allegation.
- d. Horizons College does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if Horizons College cannot obtain further information from an individual. It is also more difficult to establish whether any allegations are credible and have been made in good faith. If staff or Governors are in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline - 020 7404 6609.
- e. Whilst pursuing the aim of openness, it is imperative that learner confidentiality is maintained and that confidence in the services provided by Horizons College is not unreasonably undermined or compromised. Similarly, as employees have certain obligations and responsibilities to Horizons College as their employer, it is important that the employer / employee relationship is not compromised.

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3.3. Untrue Allegations:

- a. If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, staff make malicious or vexatious allegations, disciplinary action may be taken against them.

4. How to Raise a Concern

- 4.1. As a first step, staff should normally raise concerns with their immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If in doubt, contact the Reporting Officer, the Principal or one of the Senior Leadership Team (SLT).
- 4.2. Alternatively, staff can confidentially contact the Reporting Officer (contact details available on request) or write to 'FAO The Reporting Officer ONLY, Horizons College', marking the envelope 'Confidential and Urgent'. All reports will be recorded in full, record sheet is attached – Appendix 1.
- 4.3. Concerns are better raised in writing / email. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the appropriate person.
- 4.4. The earlier staff express the concern, the easier it is to take action.
- 4.5. Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 4.6. Advice and guidance on matters of concern may be pursued and can be obtained from:
 - a. Reporting Officer.
 - b. Principal.
 - c. SLT.
 - d. Members of the Governing Body
 - e. Any of those listed in paragraph 7.1
- 4.7. Staff may invite a trade union representative or work colleague to raise a matter on their behalf.

5. How Horizons College Will Respond

- 5.1. The action taken by Horizons College will depend on the nature of the concern and may:
 - a. Be investigated internally.
 - b. Be referred to the Police.

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- c. Be referred to the external auditor.
 - d. Form the subject of an independent inquiry.
- 5.2. In order to protect individuals and Horizons College, initial enquiries will be forwarded to the Reporting Officer who will consult with the Principal and / or members of the SLT and / or the Chair of Governors and decide whether an investigation is appropriate and, if so, what form it should take. The Reporting Officer can decide to take no further action if a complaint appears to be trivial or vexatious. All such decisions will be reported to the next meeting of the most appropriate committee. Concerns or allegations which fall within the scope of specific procedures, for example discrimination issues, will normally be referred for consideration under those procedures.
- 5.3. Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions. The Reporting Officer shall report periodically thereon to the most appropriate Committee.
- 5.4. If an investigation is required, the Reporting Officer will consult with the principal and / or members of the SLT and / or the Chair of Governors and designate an appropriate person to investigate the concern. Following this that person will, within ten working days, write to the member of staff:
- a. Acknowledging that an investigation will be carried out.
 - b. Indicating how he / she proposes to deal with the matter.
 - c. Giving an estimate of how long it will take to provide a final response.
 - d. Telling them whether any initial enquiries have been made.
 - e. Telling them whether further investigations will take place, and if not, why not.
 - f. Advising them that any investigation will be carried out in the strictest confidence.
 - g. Keeping them informed of the progress of the investigation.
- 5.5. The amount of contact between the person(s) considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from staff.
- 5.6. When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.
- 5.7. Horizons College will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, Horizons College will advise them about the procedure.

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- 5.8. Horizons College accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation. In addition, they will be informed as to what action has been taken to correct working practices that have been found to be at fault by the investigation.
- 5.9. The Reporting Officer will report on the outcome of any investigation to the most appropriate committee who will monitor the implementation of the recommendation of the investigation.

6. Inquiries

- 6.1. If the concern raised is very serious or complex, a formal inquiry may be held.
- 6.2. Horizons College recognises the contribution the trade union(s) can make to such an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. Horizons College recognises that in many cases it will be desirable that a trade union representative will be appointed to the panel of the inquiry, subject to there being no conflict of interest.
- 6.3. The Reporting Officer will report on the outcome of any inquiry to the most appropriate committee who will monitor the implementation of the conclusions of the inquiry.

7. How the Matter Can Be Taken Further

- 7.1. This policy is intended to provide staff with an avenue to raise concerns **within** Horizons College. Horizons College hopes staff will be satisfied. If they are not, and feel that it is right to take the matter outside Horizons College, the following are possible contact points, depending on the concern:
 - a. Local Council Member.
 - b. Chair of Governors or any member of the Governing Body.
 - c. Trade Union Representative.
 - d. Relevant professional bodies or regulatory organisations.
 - e. Solicitor.
 - f. National Audit Office.
 - g. Health and Safety Executive.
 - h. Department for Education (DfE).
 - i. The Environment Agency.
 - j. The Police.
 - k. An independent person or organisation nominated for the purpose by Horizons

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College.

I. Public Concern at Work (Charity).

7.2. If staff do take this matter outside Horizons College, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. Staff should check with the contact point about that.

8. The Reporting Officer

8.1. The Reporting Officer has overall responsibility for the maintenance and operation of this policy, and s/he will liaise as necessary with the Principal and Chair of Governors.

8.2. The Reporting Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality) and will report as necessary to the most appropriate committee.

8.3. The Reporting Officer is the role of a named Governor, appointed to the role within a Full Governing Body meeting.

8.4. If the matter relates to a Reporting Officer, please contact the Principal. The named Reporting Officer is: TBA.

9. The Law

9.1. This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 1996 (SI 1996/590).

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Appendix 1 - Whistleblowing Record Sheet

Ref No

Date

Time

Name of Recording Officer (Person completing this form)

Job title of Recording Officer

Name of Whistleblower

Method of reporting

Message details

Action taken

Signed – Recording Officer Date //

Print name

Signed – Reporting Officer Date //

Print name

Signed – Executive Principal Date //

Print name

Signed – Chair of Governors Date //

Print name

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Signed Principal

Signed Chair of Governors

Date