

Policy/procedure title	Public Interest Disclosure “Whistleblowing” policy and Procedure		
Review Cycle *Please specify	Annually	Responsible Department	Corporate Services
Procedure Owner *overall responsibility	Jules Bridges, Head of Governance		
Responsible Person (if different to above) *responsibility for communicating changes and staff training where appropriate			
Types of provision this procedure applies to: (delete as appropriate)	14-16 19+ Apprenticeships Higher Education Study Programmes		
Revision Record			
Rev. No.	Date of Issue	Details and purpose of Revision:	
	May 2021	Policy Reviewed	
	March 2024	Policy reviewed	
	June 2025	Policy reviewed	

Equality Impact Assessment

Whenever a policy is reviewed or changed, it’s impact assessment also must be updated. The Equality Act 2010 seeks to simplify discrimination law and introduced statutory duties to promote equality whereby The College of West Anglia must, in the exercise of its functions, pay due regard to the need to promote equality in relation to the protected characteristics.

Could any staff or students be adversely impacted by this policy/process? If yes give details and how this will be mitigated:

This policy/procedure poses no adverse impact

Date	Action and Monitoring:
March 2021	No Actions required

March 2024	No Actions required
May 2025	No Actions required

E, D & I Statement

This procedure has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment., Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual Orientation and Disability. We will continue to monitor this procedure to ensure that it allows equal access and does not discriminate against any individual or group of people.

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1 Background

The Public Interest Disclosure Act 1998 came into force in Great Britain on 2 July 1999. It provides employees and workers with legal protection against dismissal or detriment for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

2 Policy and Procedure Scope

This policy applies to all college employees, including apprentices; casual workers, home-based workers and agency workers engaged by the college.

3 Policy

The College of West Anglia is committed to operating in an ethical and principled way, ensuring that standards in the college are high and that all statutory regulations and requirements are complied with. The college is also committed to ensuring compliance with the Bribery Act 2010.

This policy seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded. The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy.

The college will take any concerns seriously relating to malpractice within the organisation including suspected allegations of:

- financial irregularities
- corruption; bribery
- creating or ignoring a serious risk to health, safety or the environment
- failure to comply with a legal obligation including, but not limited to, age, disability, sexual equality and racial equality legislation; safeguarding legislation/practices
- A miscarriage of justice
- criminal activities
- serious abuse or fraud
- malpractice or misadministration of awarding body standards.

4 Procedure

This procedure enables concerns to be raised about serious suspected malpractice at an early stage, without fear of adverse repercussions being taken against those who whistle blow.

This procedure should not be confused with the procedure on Dealing with Harassment at Work or the Grievance and Disciplinary procedures. A whistleblower is not usually directly or permanently affected by the concern. They are a witness, not a complainant.

Those who make a disclosure will be encouraged to identify themselves. If an anonymous disclosure is made, the college will not be in a position to notify the whistleblower of the outcome, or the action taken. Anonymity also means that the college will have difficulty in investigating the concern. The college reserves the right to determine whether to apply this procedure, in respect of an anonymous disclosure, taking into account consideration of the seriousness of the issues raised, the credibility of the concern and how likely it is that the concern can be confirmed from attributable sources.

Any concerns about malpractice should be raised internally, verbally or in writing, with the Head of Governance (jules.bridges@cwa.ac.uk).

If the disclosure relates to the Principal/CEO, the issue should be raised with the Head of Governance (jules.bridges@cwa.ac.uk). If the issue relates to the Head of Governance, the issue should be raised with the Chair of Governors.

Anyone feeling unsure can seek confidential advice at any time from PROTECT, a registered charity which advises on serious malpractice in the workplace on 020 3117 2520 or email whistle@protect-advice.org.uk PROTECT is also able to advise on whether the concern can or should be taken further. General guidance may also be found at www.gov.uk/whistleblowing.

4.1 Protected Disclosures

The law allows concerns to be raised as what it defined as a 'protected disclosure'. In order to be a 'protected disclosure', a disclosure must relate to a specific subject matter (see below) and must also be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the person making it, also be made in the public interest and must consist of information and not

merely be allegations of suspected malpractice.

4.1.1 Specific Subject Matter

This procedure will be enacted if information which is reasonably believed 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 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 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.

4.2 Assurances

- Concerns raised under this procedure will be treated seriously and sensitively.
- Where practicable, immediate steps will be taken to remedy the situation. The final outcome may take longer, depending on the issue that is raised.
- Every effort to keep the identity of the whistleblower confidential will be made, if anonymity has been requested. Where this may cause difficulties, (for example, if the college is legally obliged to do so, for the purpose of seeking legal advice or the whistleblower is asked to give evidence), they will be told, and options will be discussed.
- No formal disciplinary action will be taken against an employee on the grounds of making a disclosure under this policy or procedure. This does not prevent the college from bringing disciplinary action against an employee 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.
- Equally, the college will not tolerate any harassment, bullying or victimisation of an employee

by a colleague(s) for making a disclosure; disciplinary action will be taken by the college against the colleague(s) in question.

4.3 What Happens Next?

Having alerted the college to the concern, it is the college's responsibility to investigate the matter quickly. The initial stage will be to interview the whistleblower, in confidence, and then assess what further action should be taken. This will be done within 5 working days of the concern being raised.

The concern will be considered carefully, thoroughly and fairly to all concerned. If someone is potentially being accused of serious misconduct, opportunity for their side of the story will be given as well.

Any concerns expressed about the whistleblowers safety or career will be respected and a work colleague or trade union representative can accompany whistleblowers at any interviews that are arranged, providing that person is not involved in the area of work to which the concern relates. This person should attend to provide support only and will not be allowed to become involved in the proceedings.

If it is felt that the concern can be resolved quickly, or in a straightforward manner, it will be brought to the attention of the appropriate manager. This may lead to other processes being implemented (including action under any other applicable college policy or procedure)

If the college determines that the disclosure does not have sufficient merit to warrant further action, the outcome will be notified in writing of the reasons for the college's decision under this policy and procedure.

Where the matter requires more detailed consideration, either because of the complexity of the concern, or the possibility of other proceedings, an investigating officer will be appointed, and a formal investigation will be carried out. The 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. Possible other actions might include referral to the college's auditors; or referral to relevant external bodies such as the police, Ofsted, the Health and Safety Executive or the Information Commissioner's Office.

Any recommendations for further action made by the college will be addressed to the Principal/CEO and/or Chair of Governors, as appropriate.

4.4 What the college Asks of You

The purpose of this procedure is to enable whistleblowers to raise concerns within the college in confidence, without any fear of reprisal. Therefore, whistleblowers are asked:

- not to take concerns outside of the college
- When raising a concern that any personal interest in the matter is declared.

4.5 At the End of the Process

A record will be made of the nature and outcome of the concern. These records will be kept by the Head of Governance. The purpose of this record is to ensure that a central record is kept, which can be cross referenced with other complaints, in order to monitor any patterns of concern across the college and to assist the college in monitoring the effectiveness of the procedure.

Normally, whistleblowers will be notified in writing of the results of the assessment/investigation and about any action that is proposed, subject to third party rights. Correspondence will be addressed to the home address of the whistleblower. Where action is not taken, an explanation will be provided.

4.6 Appeal Process

If the whistleblower disagrees with the decision they may, within two weeks of receiving the written notification, request in writing, stating the grounds for requesting a review, to the Principal/CEO or if the matters involves the Principal/CEO, the Chair of Governors.

4.7 Access to External Bodies

If, having exhausted internal procedures, an allegation is found to be unsubstantiated; the individual (whistleblower) raising the concern has the right to access an appropriate official and

independent external body. An appropriate body might be the college's internal or external auditors, the DfE, an MP or local Councillor. The NSPCC whistleblowing helpline is available to those who do not feel able to raise concerns regarding child protection failures internally or they can call 0800 028 0285 or email help@nspcc.org.uk. Such a step, however, would have serious implications for the college and should only be taken after very careful consideration. Advice may be sought from PROTECT (details above) before taking such action.