

# Whistleblowing Policy

<b>Owner</b>	Secretary to the Board of Directors		
<b>Version</b>	2.1		
<b>Changes</b>	No changes		
<b>Approval date</b>	August 2025	<b>Approved by</b>	Board of Directors
<b>Implementation date</b>	September 2025	<b>Date of next review</b>	July 2026
<b>Related internal policy</b>	Anti-Bribery and Corruption Policy		
<b>Related external policies and regulations</b>	Employment Rights Act 1996 Public Interest Disclosure Act 1998 (PIDA) Public Interest Disclosure (Prescribed Persons) Order 2014		

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## Introduction

Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees'

(Protect, formerly Public Concern at Work Guidelines 1997)

Whistleblowing is a matter between employers and employees. The statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 (PIDA). The Act protects employees against victimisation if they make a protected disclosure and speak out about corruption or malpractice at work.

## Aims and Scope of Policy

This policy applies to all staff.

This policy aims to:

- give confidence to members of staff about raising concerns about illegal, corrupt or improper practices or unethical conduct inconsistent with college standards and policies so that s/he is encouraged to act upon those concerns
- provide a member of staff with avenues to raise concerns
- ensure that a member of staff receives a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith.

The policy covers whistleblowing relating to:

- conduct which is unlawful
- disclosures relating to miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to students and members of staff
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- mistreatment of any person
- action likely to cause physical danger to any person or risk serious damage to property
- sexual or physical abuse of members of staff or student
- unfair discrimination or favouritism
- racist incidents or acts or racial harassment
- any attempt to prevent disclosure of any of the issues listed.

## **Safeguard Against Harassment and Victimisation**

The Public Interest Disclosure Act 1998 (PIDA) protects you from any reprisals as long as you comply with the rules and procedures set out in PIDA.

## **Confidentiality**

The Chair of the Board of Directors or Provost will do their utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However, the investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If a whistle-blower is unwilling to give a statement because of fear of disclosure of their identity but the Chair of the Board of Directors or Provost remains concerned about the seriousness of the allegations, they will discuss this with the member of staff and ask him/her to reconsider so that the matter can be taken forward.

## **Anonymous Allegations**

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless, wherever possible, anonymous allegations will be considered under this whistleblowing procedure taking into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources and obtaining information provided.

## **Untrue and Malicious/Vexatious Allegations**

If a member of staff makes an allegation in good faith but it is not confirmed by further enquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then disciplinary action may be taken against the member of staff.

## **What to do if you want to make a Whistleblowing Allegation**

If you feel able to do so you should tell your manager about your concern. There is no special procedure for doing this - you can tell your manager about the problem, or put it in writing if you prefer.

If you feel you cannot tell your manager, for whatever reason, please raise the issue with HR.

If you have raised your concerns and you are still concerned, or the matter is so serious that you feel you cannot discuss it with the person named above, you should raise the matter with the Joint CEO:

Name: Mrs Tharshiny Pankaj

Contact details: Tharshiny.Pankaj@rcl.ac.uk

## **How the College will respond**

After you have raised your concern the College will decide how to respond in a responsible and appropriate manner under this policy. Usually, this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage, which may be formal or informal depending on the nature of the concern raised.

As far as possible, the College will keep you informed of the decisions taken and the outcome of any enquiries and investigations carried out. However, the College will not be able to inform you of any matters that would infringe the duty of confidentiality owed to others.

If you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

The Board of Directors will review all claims and concerns raised.

## **Raising your concern externally (exceptional cases)**

The main purpose of this policy is to give you the opportunity and protection you need to raise your concerns internally. The College would expect that in almost all cases raising concerns internally would be the most appropriate action for you to take.

However, if you feel you cannot raise your concerns internally and you honestly and reasonably believe the information and any allegations are true, you should consider raising the matter with an appropriate 'prescribed person'. The identity of the appropriate prescribed person will depend on the nature of your concern. However, they must be one of those prescribed by an order made by the Secretary of State for the purposes of the Employment Rights Act 1996 Section 43F. The Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended) lists the prescribed persons.

If you have good reasons for not using the internal disclosure procedures or the disclosure procedure described above, you may consider making wider disclosure by reporting the matter to the media for example. However, whistleblowers who make wider disclosures of this type will only be protected in certain circumstances. The College recommends that you take legal advice before following this course of action since we believe it will be in your own interests to do so.

## **The Inquiry Report**

The appointed person will make a written report to the Chair of the Board of Directors or the Provost, usually setting out:

- how the inquiry arose
- who the concerns are raised against
- how the inquiry was undertaken

- their position at the setting and their responsibilities
- the facts and the evidence which were identified
- a summary of the findings and recommendations in respect of the concern itself and any work required on system weaknesses identified during the inquiry.

The Chair of the Board of Directors or the Provost will consider the inquiry report and decide on the action to be taken and will determine:

- the need for disciplinary action or other appropriate action to be taken
- the further action to be taken and the reasons why
- Chair of the Board of Directors or the Provost will notify you of the outcome within 7 working days, setting out the action to be taken or that no further action is to be taken and the reasons why.

### **Taking the Matter Further**

If no action is to be taken and you are not satisfied with the way the matter has been dealt with, you can make a complaint under the college's Grievance Procedure.

### **Review**

This policy will be subject to continuous monitoring, refinement and audit by the Board of Directors or Provost.

The Board of Directors or Provost will undertake a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.