

## ‘Whistleblowing’ (Public Interest Disclosure) Policy

<b>Lead:</b> Head of Governance and Legal Services	<b>Status:</b> Approved
<b>Version:</b> 1	<b>Date of Version:</b> February 2025
<b>Approving Body:</b> Audit Committee	<b>Supersedes:</b> 2022 Policy
<b>Approved on:</b> 4 March 2025	<b>Next Review date:</b> February 2028

### Equality analysis tool<sup>1</sup>

1.	Is the policy relevant to the public sector equality duty?	No
2.	Have any concerns previously been raised about this policy or practice?	No
3.	Is likely to result in discrimination against a protected group?	No
4.	Does this policy positively contribute to the participation of under-represented groups in the College’s activities?	No

### Version Control

Version	Date	Change(s)

### Access

Location	Yes/No
Service Centre	
Document Centre	
Public Website	

### Communication

Medium	Audience
e.g. Team Briefing, Managers’ Briefing, Principal’s Briefings	

<sup>1</sup> If the answer to any of these questions is yes, please complete the Screening Template provided and include as an Appendix to your policy.



# 1 Introduction

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. This is often called 'making a disclosure' or 'blowing the whistle'. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

Whistleblowing law can be found in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

To be covered by whistleblowing law, a worker must reasonably believe two things. **The first** is that they are acting in the public interest (this means that personal grievances and complaints are not generally covered by whistleblowing law). **The second** is that the disclosure tends to show past, present, or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud);
- failure to comply with an obligation set out in law;
- miscarriages of justice;
- endangering of someone's health and safety;
- damage to the environment; and
- covering up wrongdoing in the above categories.

It should be noted that 'gagging clauses' in settlement agreements do not prevent workers from making disclosures in the public interest.

This policy is an essential part of the Heart of Yorkshire Education Group's internal control mechanism and provides employees (which includes apprentices, agency staff, employees of subcontractors and Governors) with information regarding 'whistleblowing' including what to do should they witness or become aware of a wrongdoing.

Throughout this policy, the term 'Discloser' is used to denote a college employee who passes on information regarding a wrongdoing. What action should the Discloser take?

Upon becoming aware of a wrongdoing, the Discloser should raise their concerns internally, in the first instance, to one of the following designated people ('Assessors'). The Discloser may decide which of these individuals is the most appropriate person to deal with the matter:

- Principal & CEO (Sam Wright: SWright@HeartofYorkshire.ac.uk);
- Head of Governance and Legal Services (Sam Cremore: SCremore@HeartofYorkshire.ac.uk)
- Group Executive Director: People (Karen Sykes: KSykes@HeartofYorkshire.ac.uk);

- Chair of the Corporation (Andrew McConnell); or
- Chair of the Audit Committee (Nigel Brook).

Any disclosure to an Assessor under this procedure should, wherever possible, be in writing and the Discloser should try to provide as much supporting evidence as they can. However, the Discloser does not need to provide evidence for the College to investigate the concerns raised.

## **2 How will the matter be progressed?**

A written acknowledgement of the receipt of the disclosure will be sent, within three working days, to the Discloser at their home address (or to any other suitable address (physical or electronic) which they have provided). Because of the nature of investigations of this type it is not possible to give specific timescales beyond this initial acknowledgement. However, The Discloser will, wherever possible, be kept informed of the progress of the investigation (including indications of timings for any actions or next steps, the results of the investigation and any action taken) and the Group will use its best endeavours to bring matters to a speedy conclusion.

On receipt of the disclosure, the Assessor (or their nominee should they appoint someone to discharge their responsibilities on their behalf) will normally offer to speak with the Discloser. Consideration should be given by the Assessor (or their nominee) to the timing, location and duration of any such discussion as well as any special requirements the Discloser may have. A local trade union representative or work colleague may accompany the Discloser. The Assessor (or their nominee) may be accompanied by an administrative assistant or another Assessor to take notes.

The Assessor (or their nominee) will then carry out any necessary further investigations required to establish the facts of the matter and assess whether the disclosure has merit and, if so, whether it can be resolved internally or not. The initial assessment may identify the need to:

- take further action or close the matter;
- involve third parties to provide further information, advice or assistance, for example, College staff, the Group's auditors, legal or personnel advisors, the police, the Department for Education ('DfE') and the Education and Skills Funding Agency ('ESFA');

- invoke the College disciplinary procedures;
- seek redress through the grievance or complaints procedure instead; and
- pursue simultaneous investigations.

The Assessor (or their nominee) (in conjunction with the Corporation, if appropriate) will consider how best to report the findings and what corrective action needs to be taken. Recommendations arising from the initial investigation (including actions to be taken) will then be made to the Principal, unless there are reasonable grounds for not doing so, in which case, the recommendations will be made to the Chair or the Vice Chair of the Corporation. The Principal or the Chair or the Vice Chair of the Corporation (as the case may be), having considered the Assessor's recommendations, will have the final say on the appropriate actions to be taken.

The Group will retain records of its investigation, recommendations made, and actions taken.

Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter may be reported to the Corporation, the ESFA and/or any other appropriate organisation including the police.

The Group commits to treating all disclosures seriously and consistently.

### **3 External disclosure**

If, having followed this procedure, the Discloser is not satisfied with the results of the investigation, they may raise the matter on a confidential basis directly with the police, the ESFA, the DfE, a member of parliament or other appropriate public authority. A list of prescribed persons, which includes regulators and professional bodies and other persons and bodies such as MPs, to whom a Discloser may also make a disclosure can be found here:

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

It should be noted that the relevant prescribed person depends on the subject matter of the disclosure so care should be taken to ensure any disclosure is made to the appropriate person.

Before taking any such action the Discloser should inform the Assessor in writing.

The Discloser may also raise the matter externally if they have reasonable grounds for believing that they will be subject to a detriment as a result of making the disclosure, or that all the Assessors are or were involved in the malpractice.

The Discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice either at their own expense or via their trade union.

#### **4 Third party disclosure**

Third parties (i.e. those individuals or organisations not mentioned in section 1 (above)) may also raise concerns under this policy. However, it should be notified to the Discloser by the Assessor (or their nominee) that the same protection afforded to Disclosers under the College procedure cannot be extended or guaranteed to third parties although protection might be provided under the wider legislation covered by the Public Interest Disclosure Act 1998. The Discloser should seek legal advice in this matter.

#### **5 Respecting confidentiality**

The law does not compel the Group to protect the confidentiality of a Discloser. However, the Group commits to take all reasonable steps to maintain the confidentiality of the Discloser where it is requested (unless it is required by law to break that confidentiality).

The Group will document whether the Discloser has requested confidentiality.

Disclosers may provide information anonymously. However, accusations made anonymously may limit the Group's ability to ask follow-up questions or provide feedback if the Discloser cannot be contacted. Disclosers should be aware that, where information is given anonymously, it can be more difficult for them to qualify for protections as a whistleblower. This is because there will be no documentary evidence linking the Discloser to the disclosure for an employment tribunal to consider.

Anonymous whistleblowers may seek feedback through a telephone appointment by anonymously contacting the relevant Assessor and providing an anonymous telephone number.

#### **6 What protection does the discloser have?**

Where the Discloser passes on a wrongdoing in accordance with the rules set out in section 1, they will not face any detriment from the Group as a result of such disclosure.

Disclosers are protected from any form of retaliation, including dismissal, demotion, harassment, victimisation, or any other detrimental treatment as a result of raising concerns. The confidentiality of the Discloser will be protected (as outlined above), and identities are disclosed only on a need-to-know basis. Employees who report fraud in good faith will not suffer any disadvantage, even if the claim is later found to be incorrect.

Victimisation of a Discloser is not acceptable, and any instances of victimisation will be taken seriously and managed appropriately.

#### **7 Raising unfounded malicious concerns**

Individuals are encouraged to come forward with genuine concerns with the knowledge they will be taken seriously. If individuals use this policy to make

deliberately false or malicious accusations or mischief, they will be committing a disciplinary offence. Wilful misuse of this procedure may constitute an act of gross misconduct and could lead to dismissal. However, it is important to note that, as stated above, if an investigation determines that a disclosure is untrue, the Group will not conclude that it was raised maliciously by the Discloser unless there is sufficient evidence to the contrary.

## **8 Training and Support**

The Group is committed to training employees at all levels of the organisation in relation to whistleblowing law and the organisation's policy wherever necessary and all training requests should be submitted to the Group's Head of Governance and Legal Services.

## **9 Further Information**

For further information regarding whistleblowing please see the Government's guidance for whistleblowers:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf)

Disclosers can also contact the Advisory, Conciliation and Arbitration Service (Acas) for guidance on whistleblowing and grievances: <https://www.acas.org.uk/contact>

## **10 Useful contacts**

Education and Skills Funding Agency (ESFA)  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

email: [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

The ESFA has its own procedures for dealing with complaints about providers of education and training.

The College's Internal Auditors  
ICCA Education Training and Skills  
McLaren House,  
46 Priory Queensway  
Birmingham  
B4 7LR

Telephone: 0844 800 9870  
email: [ets@icca-ets.com](mailto:ets@icca-ets.com)

Public Concern at Work  
The Green House  
244-254 Cambridge Heath Road  
London  
E2 9DA

Telephone: 020 3117 2520  
email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

Public Concern at Work is a charity which can provide people with free, confidential and practical advice if they are unsure of whether or how to raise a concern about danger or illegality that they have witnessed at work.

National Society for the Prevention of Cruelty to Children (NSPCC)  
Weston House,  
42 Curtain Road,  
London  
EC2A 3NH

Telephone: 020 7825 2500  
email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

The NSPCC whistleblowing helpline is available for workers who do not feel able to raise concerns regarding child protection failures internally.

Rights of Women sexual harassment at work helpline

Telephone: 020 7490 0152

Rights of Women can provide free advice regarding sexual harassment at work.

