

WHISTLEBLOWING POLICY AND PROCEDURE

1. Introduction

- 1.1 This policy applies to the colleges operated by South Thames Colleges Group Corporation. The whole organisation is referred to as “STCG”. STCG is committed to operating in an ethical and principled way.
- 1.2 Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.
- 1.3 The aim of this policy and procedure is to provide employees and workers (referred to as ‘workers’ in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.4 STCG encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable workers to raise concerns about malpractice in connection with STCG.
- 1.5 This policy and procedure also aims to encourage workers to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy 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.
- 1.6 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations that are not well-founded.
- 1.7 The principles of openness and accountability, which underpin legislation protecting whistleblowers, are reflected in this policy and procedure. STCG is also committed to ensuring compliance with the Bribery Act 2010.
- 1.8 Learners at STCG are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Director of Student Services. This policy and procedure is designed for the use of workers of STCG.

2. Applicability of this policy and procedure

- 2.1 This policy applies to all workers of the South Thames College Group, including apprentices; and
- 2.2 Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and
- 2.3 Agency workers engaged by the STCG Group.
- 2.4 Workers might be unsure whether it is appropriate to raise their concern under

1

Policy Title: Whistleblowing Policy	Staff Member Responsible: STCG Head of Governance
Version: Final	Review Date: September 2020

this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under STCG's Grievance Procedure. Any worker in this situation is encouraged to approach the Director of Human Resources in confidence for advice.

3. Protected disclosures

- 3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). 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.

4. 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, they must use this policy and procedure:

- 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 health or safety of any individual has been, is being, or is likely to be, endangered (including safeguarding, radicalisation and extremism).
- 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.

5. Procedure for making a disclosure

- 5.1 Information, which a worker reasonably believes tends to show one or more of the situations given in Section 4, should promptly be disclosed to their line manager, preferably in writing, so that any appropriate action can be taken.
- 5.2 If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with the Head of Governance.
- 5.3 If the disclosure relates to the Group Principal and Chief Executive, a worker can raise the issue with the Head of Governance. In the event that the disclosure relates to the Head of Governance, a worker can raise the issue with the Chair of

Policy Title: Whistleblowing Policy	Staff Member Responsible: STCG Head of Governance
Version: Final	Review Date: September 2020

the Corporation.

5.4 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, STCG will not be in a position to notify the individual making the disclosure of the outcome of action taken by STCG. Anonymity also means that STCG will have difficulty in investigating such a concern. STCG 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; and
- How likely it is that the concern can be confirmed from attributable sources.

5.5 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 Governance.

6. Procedure for investigation of a disclosure

6.1 When a worker makes a disclosure, STCG will acknowledge its receipt, in writing, within three working days.

6.2 STCG will then determine whether it believes that the disclosure is wholly without substance or merit. If STCG considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for STCG's decision and advised that no further action will be taken by STCG under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If STCG 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 Colleges Group procedure.

6.3 When a worker makes a disclosure which has sufficient substance or merit warranting further action, STCG will take action it deems appropriate (including action under any other applicable Colleges Group policy or procedure). Possible actions could include internal investigation; referral to STCG's auditors; or referral to relevant external bodies such as the police, Ofsted, the NSPCC, Health and Safety Executive or the Information Commissioner's Office.

Policy Title: Whistleblowing Policy	Staff Member Responsible: STCG Head of Governance
Version: Final	Review Date: September 2020

- 6.4 If appropriate, any internal investigation would be conducted by the manager of STCG without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by STCG as appropriate. S/he will investigate the concerns raised and possible courses of action to be taken (this may involve a confidential discussion with the Chair of the Audit Committee).
- 6.5 Any recommendations for further action made by STCG will be addressed to the Group Principal / CEO or Chair of the Corporation, 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.
- 6.6 The worker making the disclosure will be notified of the outcome of any action taken by STCG 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 raising the issue with the Group Principal / CEO within ten working days of receiving the outcome. The Group Principal / CEO will make a final decision on action to be taken and notify the worker making the disclosure. This will be in writing and sent to the worker's home address.

7. Safeguards for workers making a disclosure

- 7.1 A worker making a disclosure under this procedure can expect their matter to be treated confidentially by STCG and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 7.2 STCG will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by STCG does not identify the worker making the disclosure without their written consent, or unless STCG is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure under this policy or procedure. This does not prevent STCG from bringing disciplinary action against a worker where STCG has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside STCG without reasonable grounds.
- 7.4 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by STCG 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 STCG against the colleague in question.

Policy Title: Whistleblowing Policy	Staff Member Responsible: STCG Head of Governance
Version: Final	Review Date: September 2020

8. Disclosure to external bodies

- 8.1 This policy and procedure has been implemented to allow workers to raise disclosures **internally** within the Colleges Group. A worker has the right to make a disclosure outside of STCG where there are reasonable grounds to do so and in accordance with the law. However, it is expected that the internal procedure will be exhausted before doing so.
- 8.2 Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4 The NSPCC whistleblowing helpline is available for workers who do not feel able to raise concerns regarding child protection failures internally. The NSPCC whistleblowing helpline number is 0800 028 0285 - available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.
- 8.4 If a worker seeks advice outside of STCG, they must be careful not to breach any confidentiality obligations or damage STCG's reputation in so doing.

9. Accountability

- 9.1 STCG will keep a record of all concerns raised under this policy and procedure (including cases where STCG deems that there is no case to answer and therefore that no action should be taken).
- 9.2 All concerns raised under this policy (including cases where STCG deems that there is no case to answer and therefore that no action should be taken) will also be reported to the Head of Governance who will report to the Corporation on an annual basis as appropriate.

10. Further assistance for workers

- 10.1 STCG will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this 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 Group Principal / CEO.

Policy Title: Whistleblowing Policy	Staff Member Responsible: STCG Head of Governance
Version: Final	Review Date: September 2020

10.2 A worker making a disclosure may want to confidentially request counselling or other support from STCG's occupational health service. Any such request for counselling or support services should be addressed to the Director of Human Resources. Such a request would be made in confidence.

10.3 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers
6 - 10 Borough High Street
London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<http://www.pcaw.org.uk>

This policy has been approved and authorised by the Corporation.

Policy Title: Whistleblowing Policy	Staff Member Responsible: STCG Head of Governance
Version: Final	Review Date: September 2020