

Whistleblowing Policy

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This policy 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 policy and to ensure that it has equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic.

1. **PRINCIPLES**

1.1. The Bedford College Group's (TBCG) is committed to an open and transparent culture where concerns can be raised with management and where individuals who raise concerns are supported and treated fairly.

1.2. This policy is drawn up in line with TBCG's Values of:

Valuing Teamwork: We are one team who by working together can achieve great things, respecting the opinion and valuing the contribution each of us makes.

Improving continuously: We challenge ourselves to always do better by trying new things, sharing knowledge, reflecting on best practice and learning from others.

Student centred: At our heart is always doing what is best for our students. We consider students in all of our decision making to create positive outcomes and memorable experiences for every student.

Inclusive: We celebrate differences and diversity, recognising that we can learn from each other.

Open and caring: We care about the wellbeing of our staff, our students, our community and wider society, creating an environment built on trust where we listen, engage and support each other.

Nurturing educational excellence: We promote educational excellence by delivering programmes that challenge our students to achieve their ambitions.

1.3. TBCG is committed to creating a safe, open and transparent workplace culture, where individuals are encouraged to raise concerns at the earliest opportunity. This policy aims to enable individuals to raise concerns within TBCG and that any concerns are investigated in a timely and effective manner. It recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998 and any subsequent legislation, as incorporated into the Employment Rights Act 1996.

1.4. It is important to TBCG that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. TBCG is committed to tackle malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If any cases of wrongdoing are upheld, they will be seriously dealt with.

1.5. TBCG encourages individuals to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Individuals will be listened to and serious concerns will be investigated.

1.6. The policy will be freely available on TBCG website and through the staff intranet.

1.7. This policy applies to all staff including temporary, casual and agency staff, work experience, trainees and apprentices. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also able to use it.

2. DEFINITIONS

2.1. For the purpose of this policy, TBCG recognises that whistleblowing is the passing on of information about wrongdoing at work. The whistleblower must reasonably believe that they are acting in the public interest.

2.2. The statutory categories for wrongdoing are:

- A criminal offence (such as insurance fraud or illegal tax evasion)
- A breach of any legal obligation
- A miscarriage of justice
- Endangering an individual's health and safety
- Damage to the environment
- Sexual harassment that has occurred or is likely to occur
- Deliberate concealment of information about any of the above

2.1 Examples of wrongdoing might include (but are not restricted to):

- Unsafe working conditions
- Lack of, or poor, response to a reported safety incident
- Inadequate induction or training for staff
- Suspicions of fraud
- A bullying culture (across a team or organisation rather than individual instances of bullying)

2.3. It is not necessary for the individual to have proof that wrongdoing is being, has been, or is likely to be committed. A reasonable belief is sufficient to disclose the concern. The individual has no responsibility for investigating the wrongdoing, it is the organisation's responsibility to ensure that an investigation takes place.

2.4. A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. It should be noted however, that this protection does not run to matters unrelated to the protected disclosure, and all staff are still governed by TBCG policies, procedures and expected standards of performance and conduct.

2.5. TBCG recognises that any so-called 'gagging' or confidentiality clauses in settlement agreements or non-disclosure agreements with individuals do not prevent those individuals from making disclosures in the public interest and are void in such circumstances.

2.6. If the wrongdoing that the individual wants to disclose is not included in the list above, advice may be sought from the Designated Whistleblowing Officer (see section 3) or Heads of HR as to whether the matter would be considered a whistleblowing matter.

2.7. This policy is not for members of staff with concerns about their employment that affect only them – that type of concern would be covered by the grievance procedure and this can be found in the Discipline, Grievance & Appeals Policy on

the staff intranet.

3. DESIGNATED WHISTLEBLOWING OFFICER

3.1. The role of Group Director of Governance is the Designated Whistleblowing Officer (DWO) for TBCG and has lead responsibility for the Whistleblowing Procedure. They will:

- Oversee the implementation of the whistleblowing procedure
- Ensure learning from whistleblowing cases is fed back as appropriate to the Board and Executive to enable learning within the wider organisation
- Investigate whistleblowing issues promptly and thoroughly
- Inform all reported disclosures as appropriate, to the Board and Executive and the actions being taken
- Ensure the process is monitored and improved where required
- Provide reports on whistleblowing activity as required

3.2. A whistleblowing concern will most commonly reach the DWO directly, through HR, line managers or through the complaints team.

3.3. Once received the DWO will:

- Treat the concern confidentially unless otherwise agreed
- Ensure the individual receives timely support to progress their concern
- Escalate to HR (or CEO if HR are implicated) any indications that the individual is being subjected to detriment for raising their concern
- Ensure the individual has access to TBCG's Employee Assistance Programme (EAP) details as it is recognised that raising such a concern may be stressful

3.4. The DWO will provide independent and impartial guidance to individuals on the process at any stage of raising a concern.

4. WHISTLEBLOWING PROCEDURE

4.1. In many circumstances, the easiest way an internal individual can get their concern resolved will be to raise it formally or informally with their line manager who should report it to the DWO.

4.2. If this is not appropriate as the concern relates to the line manager, or there is another reason the individual prefers not to raise it with the manager, then they can go directly to the DWO or to HR.

4.3. Where an individual is external to the organisation, they can contact the DWO or our complaints department. These reports will be handled with the same level of confidentiality and seriousness as internal disclosures but external reporters do not have the legal protections under the Public Interest Disclosure Act 1998 that apply to workers.

- 4.4. Concerns should be raised in writing via email and should set out the background and history of the concerns, giving names, dates and places where possible, and the reason why they are making the disclosure. If the individual does not feel able to make the disclosure in writing, a meeting with the DWO will be arranged. The individual does not need to prove the allegation, but they must demonstrate that there are sufficient grounds for concern.
- 4.5. Once the details of the concern have been fully established, the DWO will review the details and identify whether an investigation is required, or if they can make a determination on the facts that they already have.
- 4.6. If the concern relates to the DWO then the report should be passed to the CEO in the first instance and they will appoint an appropriate independent person to handle the concern.
- 4.7. If an investigation is required, arrangements will be made for the individual to meet with the person leading the investigation and the individual can be accompanied to this meeting by an appropriate work colleague or Trade Union representative from a union of which they are a member. For sexual harassment disclosures, the investigation process within the Discipline, Grievance & Appeals Policy can be followed if deemed appropriate by the DWO.
- 4.8. The person leading the investigation will then review any documents, interview others and collect relevant information to be able to conclude the investigation. Investigations vary in timescale according to the complexity of the issue, but if the individual has any queries or concerns throughout the investigation, they can contact the DWO.
- 4.9. Once complete, the DWO will meet with the person investigating to review the findings and identify if the matter can be concluded with advice or refer it to be dealt with as a formal procedure. If it is an internal disciplinary matter, then the matter will be passed to HR and if external, it would be passed to the appropriate external agency, for example the police.
- 4.10. A record of the nature and outcome of the investigation will be kept by the DWO, who will monitor any pattern of concern and report any patterns of behaviour identified, at a high level to the Corporation.
- 4.11. If the individual asks for feedback at the end of the process this will be carried out by the DWO, but it should be noted that the confidentiality of others involved in the process and legal constraints have to be considered as well, so this may well be a high level summary.
- 4.12. If the individual wants to raise the matter in confidence, they should inform the DWO at the outset so that appropriate arrangements can be made.
- 4.13. It is best to raise a concern openly, because that makes it easier for TBCG to follow it up and TBCG will maintain confidentiality as far as is possible. TBCG will not disclose the whistleblower's identity without their consent unless a disclosure of identity is needed due to cross examination of an individual as a witness to any subsequent procedure or there are legal reasons that require them to disclose their identity. This might be, for example, where their information is about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. If this is the case, TBCG may have to tell the police or another official body, or if required to do so by a court. TBCG will let the individual know if it has to do this if it occurs and

that this will identify them to another body.

- 4.14. Individuals may disclose information anonymously in some cases and it should be noted that in such circumstances, TBCG will not be able to contact them to discuss their concern or ask them for further information, nor will they likely be able to give any feedback about any action taken.

5. HARASSMENT AND VICTIMISATION

- 5.1. TBCG understands that raising a concern can be difficult for individuals, especially if they fear reprisal from those responsible for the malpractice.
- 5.2. TBCG will not tolerate harassment and victimisation of anyone as a result of them raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern internally. Any such behaviour is a serious breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.
- 5.3. TBCG will not tolerate any attempt to bully anyone into not raising a concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.
- 5.4. If an individual thinks they have or may have suffered detrimental treatment as a result of raising a concern, they should contact the DWO or HR.
- 5.5. If a member of staff makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff. They will not be at risk of losing their job or suffering any form of reprisal as a result. Provided the member of staff is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

6. MORE INFORMATION, SUPPORT AND EXTERNAL REPORTING

- 6.1. Protect is the UK's whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. They provide a legal advice service offering free expert and confidential advice on how best to raise a concern and protection as whistleblower. Their website can be found at <https://protect-advice.org.uk>
- 6.2. The UK government provides advice on 'Whistleblowing for Employees' and this can be found at www.gov.uk/whistleblowing
- 6.3. ACAS provide guidance on 'Whistleblowing at Work' and this can be found at www.acas.org.uk/whistleblowing-at-work
- 6.4. Confidential support is available for individual employees from the employee assistance programme and this may include counselling if appropriate, and they can be contacted via the following:

For Bedfordshire based employees:
Freephone: 0800 083 3375

www.lap-access.co.uk

Username: bedfordcollege

Password: employee

For Northamptonshire based employees:

Freephone: 0800 328 1437

www.employeeassistance.org.uk

Password: Tresham

- 6.5. This policy is intended to provide a route by which individuals can raise concerns internally. However, if an employee is unhappy with the outcome or the nature of their concern means they feel it cannot be raised internally then the individual is free to take the matter outside of the organisation to prescribed person or body such as the Department for Education, Ofsted etc.