



South Gloucestershire and Stroud College

**Whistleblowing (public interest disclosure)
policy and procedure**

**If you would like this document in an alternate format
Please contact the Human Resources Department**

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Job Title/Role:	Chief Group Services Officer
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Approved by:	SGS Further Education Corporation
Date:	07/07/2022

MANDATORY INITIAL IMPACT SCREENING



I have read the guidance document: Completing a Policy Impact Assessment?	✓
If this policy raises equality, diversity or inclusion concerns, the Inclusion Committee has been consulted?	✓
If this policy raises environmental or sustainability issues, the Estates Team have been consulted?	✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:	✓

Please list each College Strategic Priority that this policy is designed to address/implement:

EQUALITY, DIVERSITY & INCLUSION IMPACT ASSESSMENT

Characteristic	This policy seeks to:	
Age	No appreciable impact	
Disability	No appreciable impact	
Faith or Belief	No appreciable impact	
Gender	No appreciable impact	
Race or Ethnicity	No appreciable impact	
Orientation	No appreciable impact	
Gender reassignment	No appreciable impact	
Economic disadvantage	No appreciable impact	
Rural isolation	No appreciable impact	
Marriage	No appreciable impact	
Pregnancy & maternity	No appreciable impact	
Carers & care leavers	No appreciable impact	
Vulnerable persons	No appreciable impact	
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the College's stakeholder groups:		
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the College's stakeholder groups:		
Is there any possibility that this policy could operate in a discriminatory way?	<input type="checkbox"/>	✘
		If you have ticked yes (red), which characteristic will be most affected? Choose an item.
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	<input type="checkbox"/>	Click or tap to enter a date.

Note: if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

MAPPING OF FUNDAMENTAL RIGHTS

Which United Nations Convention on the Rights of the Child (UNCRC), Right does this policy most protect:	Choose an item. Choose an item. Choose an item.
Which Human Right (HRA) does this policy most protect:	Choose an item. Choose an item.

DATA PROTECTION & PRIVACY BY DESIGN SCREENING

Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will <u>not</u> result in the collection, storage or processing of personal data outside of official College systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	<input type="checkbox"/>

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT ASSESSMENT

Does this policy relate directly or indirectly to any legal, regulatory environmental or sustainability standard(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If so, please list them:		
Will any aspects of this policy result in:		
Reduced miles travelled or provide / improve / promote alternatives to car based transport (e.g. public transport, walking and cycling car sharing, the use of low emission vehicles, community transport, environmentally friendly fuels and/or technologies)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Reduced waste, environmental hazards and/or toxic materials for example by reducing PVC, photocopier and printer use, air pollution, noise pollution, mining or deforestation? Or increase the amount of College waste that is recycled or composted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Reduced water consumption?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Reduced instances of single use plastic?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Reduced use of natural resources such as raw materials and energy to promote a circular economy?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Improved resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Will this policy improve green space or access to green space?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please list the sections of this policy which specifically target an improved environment:		

Will any aspects of this policy result in:		
The promotion of healthy working lives (including health and safety at work, work-life/home-life balance and family friendly practices)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Greater employment opportunities for local people?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
The promotion of ethical purchasing of goods or services for example by increasing transparency of modern slavery in our supply chain?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Greater support for the local economy through the use of local suppliers, SMEs or engagement with third sector or community groups?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
The promotion of better health, increased community resilience, social cohesion, reduced social isolation or support for sustainable development?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Mitigation of the likely effects of climate change (e.g. identifying proactive and community support for vulnerable groups; contingency planning for flood/snow, heatwaves and other weather extremes)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
The promotion of better awareness of sustainability, healthy behaviours, mental wellbeing, living independently or self-management?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please list the sections of this policy which specifically target improved sustainability:		

What is the *estimated* carbon impact of this policy (in terms of tCO2e)	Increased (+tCO2e) <input type="checkbox"/>	Decreased (-tCO2e) <input type="checkbox"/>	Net Zero CO2 <input checked="" type="checkbox"/>
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Mandatory initial impact screening completed by:	Moira Foster-Fitzgerald
Date	30/05/2022
Initial impact screening supported by (Please list each individual)	

Whistleblowing (public interest disclosure) policy and procedure

1. Policy Intent

- 1.1. This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998. This act inserted a section into the Employment Rights Act 1996 ('ERA') to protect workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The definition of 'protected disclosure' within the ERA was amended by the Enterprise Regulatory Reform Act 2013.
- 1.2. Employees may not always feel comfortable about discussing their concerns, especially if they believe that a manager within the SGS Group is responsible for the wrongdoing. The policy aims to ensure that employees are confident that they can raise any matter in the knowledge that it will be taken seriously, treated as confidential (as far as is possible) and that no action will be taken against them unless the allegations are made maliciously. The policy also provides, if necessary, for such concerns to be raised outside the SGS Group.
- 1.3. This policy provides the internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.
- 1.4. The SGS Group has adopted this whistleblowing policy to:
 - Provide a channel and a process for individual employees to raise concerns about any suspected wrongdoing they believe is occurring, has occurred or is likely to occur at work.
 - Make serious malpractice less likely to occur (and therefore reduce the risk of public criticism and the need for crisis management)
 - Promote accountability throughout the Group.
 - Reassure staff that they can raise genuine, substantiated concerns, in the reasonable belief of public interest, without fear of reprisals, even if they turn out to be mistaken.

2. Scope

- 2.1. This policy applies to everyone who works for the SGS Group. It does not apply to learners as they are covered by the learners' complaints procedure. It does not form part of contracts of employment and may be amended at any time.
- 2.2. Wherever the term 'employee' is used, the point applies equally to all workers, including volunteers for the SGS Group.

- 2.3. Employees are expected to conduct Group business with the highest standards of integrity and honesty. Employees are therefore encouraged to report any wrongdoing that falls short of these business principles. This policy enables employees to raise concerns about the conduct of other SGS Group staff, or of Governors, or the Group's practices in a confidential manner.
- 2.4. This policy should not be used by members of staff who are unhappy about their own individual employment circumstances or how they have been treated at work. They should use the Grievance Procedure.
- 2.5. If employees are unsure whether they should raise an issue under this policy, or they need advice about how to go about it, free confidential advice is available from PROTECT. This is a charity that promotes good practice and compliance with the law (see 3.6.3 below for contact details).
- 2.6. If an employee makes an allegation in the reasonable belief of public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, it is a disciplinary offence and will be dealt with under the Group's Disciplinary Procedure.

3. Procedures

- 3.1. Whistleblowing is a specific means of disclosure of information made by an individual in the public interest where the individual reasonably believes that one or more of the following is happening now, took place previously, or is likely to happen in the future:
 - a criminal offence
 - a failure to comply with a legal obligation
 - a miscarriage of justice
 - danger to health and safety
 - damage to the environment
 - a deliberate concealment of information tending to show any of the above
- 3.2. Reporting a concern ('disclosure'):
 - 3.2.1. In order for a disclosure to be a 'qualifying disclosure' it must provide facts and information rather than simply being an allegation. It must also relate to one of the situations listed in 3.1 above.
 - 3.2.2. Although employees are encouraged to speak up, concerns may be raised anonymously (in writing, including email to the Clerk to

the Corporation) in which case, the employee should indicate by what method they would like to receive responses.

3.2.3. Otherwise, in the first instance the individual should raise the issue with their line manager. They should not approach or accuse people directly or attempt to investigate the matter. Line managers may be able to agree a way of resolving the concern quickly and effectively. In some cases the line manager may refer the matter to a member of the Senior Leadership Team or the Clerk to the Corporation.

3.2.4. However, where the matter is more serious, or the individual feels that the line manager has not addressed the concern, or the individual prefers not to raise it with them for any reason, they should contact:

- any member of the Senior Leadership Team
 - <http://www.sgscol.ac.uk/introduce-smt/>
- or the Clerk to the Corporation
 - <http://www.sgscol.ac.uk/govenors/>
- or the Company Secretary of any subsidiary company.

3.2.5. If the disclosure relates to the Clerk to the Corporation, the individual should contact the Chair of the Corporation.

3.2.6. If the disclosure relates to a Company Secretary, the individual should contact the Chair of the subsidiary company.

3.2.7. An individual making a disclosure may invite their trade union representative to raise the matter on their behalf.

3.3. Investigation and outcome:

3.3.1. The person receiving the disclosure will acknowledge receipt in writing (may be via email) and provide an intended timetable for the investigation. They may ask another person to undertake the investigation.

3.3.2. The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

3.3.3. At any stage, the individual making the disclosure, or the person the disclosure is about, may be accompanied by a work colleague (who is not involved in the area of work to which the concern relates) or representative from one of the Group's recognised

trade unions. Any companions must respect the confidentiality of the disclosure and any investigation.

- 3.3.4. The investigator will report their findings to the person who received the disclosure, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority (usually the Principal or Chair of the Corporation (or Managing Director or Chair of a subsidiary company)) to set up a special internal, independent investigation or reference to some external authority, such as the police, for further investigation. Concerns or allegations which fall within the scope of specific procedures (for example. child protection) will normally be referred for consideration under those procedures.
- 3.3.5. At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.
- 3.3.6. Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution.
- 3.3.7. An official record will be kept of each stage of the procedure.
 - The person deciding on the issues will report on the disclosure and subsequent actions taken
 - This record should be signed by the Investigating Officer and the person who made the disclosure.
 - Where appropriate, the formal record need not identify the person making the disclosure, but in such cases that person will be required to sign a document confirming that the complaint has been investigated.
 - Such reports will be kept for 6 years by the Clerk to the Corporation.

3.4. Malicious accusations

- 3.4.1. If it becomes clear that the whistleblowing procedure has not been invoked in the reasonable belief of public interest (for example for malicious reasons, for personal gain or to pursue a personal grudge against another individual) this will constitute misconduct and will be dealt with in accordance with the terms of the Group's Disciplinary Policy and Procedure.

3.5. Protection from reprisal or victimisation

3.5.1. No individual will be disciplined, or suffer a detriment, for raising a genuine and legitimate concern, providing they do so in the reasonable belief of public interest and they follow these procedures.

3.5.2. In the event that the individual believes they are being subjected to reprisal or victimisation as a result of their decision to invoke the procedure they must inform the Director of People and Organisational Culture or another member of the Senior Leadership Team immediately. Appropriate action will be taken to protect them from any reprisals

3.6. Further assistance for individuals

3.6.1. The Group will not tolerate any harassment or victimisation of individuals who make disclosures. If at any stage of this procedure an individual feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter with the Director of People and Organisational Culture.

3.6.2. An individual making a disclosure may want to confidentially request support from the Group's counselling service. Information can be obtained (in confidence) from the HR department.

3.6.3. As previously mentioned, individuals can also contact the charity PROTECT for confidential advice on whistleblowing issues. Contact details are available on their website:

<http://protect-advice.org.uk>

Telephone: Confidential Whistleblowing Advice: 020 3117 2520

4. Concerns about safeguarding

4.1. This policy may be used for concerns about poor or unsafe practice and potential failures in the SGS Group's safeguarding regime. However, for safeguarding concerns about the conduct of another staff member or volunteer, the Safeguarding policy should be used.

5. External bodies

5.1. The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator (or other 'Prescribed Person' as listed in the whistleblowing guidance on the GOV.UK website).

- 5.2. The Group strongly encourages staff to seek advice from PROTECT (see 3.6.3 for contact details) before reporting a concern to anyone externally.
- 5.3. Whistleblowing concerns may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows individuals to raise a concern (in the reasonable belief of public interest) with a third party, where they reasonably believe it relates mainly to the third party's actions or something that is legally their responsibility. However, the Group encourages staff to report such concerns internally first. Staff should contact their line manager, or one of the other individuals set out above, for guidance.
- 5.4. It will very rarely, if ever, be appropriate to alert the media.

6. Confidentiality

- 6.1. SGS Group provides an open, transparent and safe environment and encourages employees to be able to speak up. Therefore, whenever any issues arise, this policy encourages employees to give their names when making allegations. Anonymous concerns will, however, be considered at the discretion of the Senior Leadership Team who will consider:
 - The seriousness of the issues raised
 - The credibility of the concern, and
 - The likelihood of confirming the allegation from attributable sources
- 6.2. When reporting a concern anonymously, the person raising the concern will need to consider how they would like to receive further information or updates (if applicable). It should be noted that when making a disclosure anonymously, it may be more difficult for the person to qualify for protections as a whistleblower.
- 6.3. All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal an individual's identity if they so wish. However, some concerns may ultimately lead to further action that requires the individual to act as a witness or provide evidence. If there is evidence of criminal activity, the Police will in all cases be informed.
- 6.4. Individuals are encouraged to express their concern in writing (including email) wherever possible but, in the interests of confidentiality, it may sometimes be appropriate for concerns to be raised verbally.
- 6.5. The Group will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings, the Group will arrange for them to receive advice about the procedures involved.

7. Policy Implementation

7.1. The SGS Group is responsible for ensuring the implementation of this policy. All employees are responsible for fulfilling their roles in the implementation as defined by this policy.

8. Enforcement

8.1. Failure to comply with the standards of the policy and procedure outlined in this document may result in disciplinary action. Such disciplinary action may result in dismissal depending on the circumstances.

If an employee is ever unsure about what action is appropriate to a particular situation, they should seek advice from their line manager.

9. Related Policies, Procedures, Charters, Plans, Guidance and Legislation

- [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [PROTECT – free confidential advice to workers who have concerns about wrongdoing in the workplace](#)
- [Department for Education statutory guidance 'Keeping children safe in education'](#)
- [Public Interest Disclosure Act 1998](#)
- [Employment Rights Act 1996](#)
- [Enterprise Regulatory Reform Act 2013](#)
- [Financial Regulations.docx \(sharepoint.com\)](#)
- [Disciplinary \(Staff\) \(including Senior Post Holders\).docx \(sharepoint.com\)](#)
- [Grievance \(staff\) \(including Senior Post Holders\).docx \(sharepoint.com\)](#)
- [Safeguarding Learners & Child Protection Policy & Procedure.docx \(sharepoint.com\)](#)
- [Anti-Bribery, Anti-Corruption and Anti-Fraud Policy.docx \(sharepoint.com\)](#)

10. Impact

10.1. The impact of this policy and procedure is to ensure that all staff, volunteers and workers are aware of the process to confidentially raise any concerns that are in the public interest.