



Doncaster
College | University
Centre



North Lindsey
College

DN COLLEGES GROUP

DN COLLEGES GROUP

WHISTLEBLOWING POLICY AND PROCEDURE

Effective from: March 2019

Version Number: 2

(Revised March 2021)

**Author(s): Clerk to the Corporation
V2 Interim Director of Governance**

1. Purpose

- 1.1 The DN Colleges Group Corporation is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with the means to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The Group 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 members of staff to raise concerns about malpractice in connection with the DN Colleges Group.
- 1.3 This policy and procedure also aims to encourage workers to raise genuine concerns through internal 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.
- 1.4 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 which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistle blowers are reflected in this policy and procedure. The DN Colleges Group is also committed to ensuring compliance with the Bribery Act 2010.

2 Scope

- 2.1 This policy applies to all employees of the DN Colleges Group, including apprentices; and
 - Workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and
 - Agency workers engaged by the Group.
- 2.2 Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the individual College's grievance procedure. Any worker in this situation is encouraged to approach the Head of Human Resources & Organisational Development in confidence for advice.

3 Responsibilities

- 3.1 Director of Governance – Lead Assessor
Chief Executive Officer, Principal / Deputy Chief Executive Officer, Chief People Officer – Designated Assessors

4 Definitions and/or Relevant Legislation

- 4.1 The law (Public Interest Disclosure Act 1998) protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 4.2 The law allows workers to raise what it defines as a 'qualifying disclosure'. In order to be a qualifying disclosure, a disclosure must relate to a specific subject matter (See Section 5 below) and the disclosure must also be made in an appropriate way (See Section 7). A 'qualifying

disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A qualifying disclosure must consist of information and not merely be allegations of suspected malpractice.

4.3 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.
- 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 The Policy: Dealing with Concerns

5.1 Workers are often the first to realise that there may be something seriously wrong within the work environment. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or their employer. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

5.2 The DN College Group encourages workers to raise genuine concerns about malpractice at the earliest practicable stage rather than wait for proof. Malpractice within the Group is taken very seriously.

5.3 This procedure is, accordingly, intended to provide safeguards to enable any worker to raise concerns about malpractice in connection with the Group. The aim is to provide a rapid mechanism under which genuine concerns can be raised internally and, if necessary, externally, without fear of adverse repercussions to the individual. It is also intended to promote throughout the Group a culture of openness and a shared sense of integrity by inviting all workers to act responsibly in order to uphold the reputation of the Group and maintain public confidence.

5.4 This procedure also seeks to balance the need to provide safeguards for workers, who raise genuine concerns about malpractice, against the need to protect members of staff, members of the Corporation, students and the College, against uninformed or vexatious allegations, which can cause serious difficulty to innocent individuals.

5.5 Students who wish to report an alleged malpractice or irregularity should do so by using other appropriate College procedures relating to complaints and/or grievances.

6 Procedure for Making a Disclosure

6.1 In the first instance a worker should raise their concerns with a Designated Assessor (i.e. Chief Executive Officer; Principal / Deputy Chief Executive Officer; Chief Operating Officer; Chief People Officer), or the Director of Governance in his or her capacity of "Lead Assessor"

6.2 If the disclosure relates to any of the Designated Assessors, a worker can raise the issue with the Director of Governance.

- 6.3 In the event that the disclosure relates to the Director of Governance, a worker can raise the issue with the Chair of the Board of Governors. The Chair can be contacted, in writing, via the Principalship office, Doncaster College.
- 6.4 The concern may be raised orally but a full note (which need not identify the complainant) will be made by the person hearing the concern.
- 6.5 This procedure applies to disclosure by an individual (“the Discloser”) who is either an employee, or an agency contract worker employed or engaged by the Group; who has grounds to believe that malpractice has occurred, is occurring, or is likely to occur in connection with the College, (whether on the part of another employee, a member of the Corporation, or any other person or persons).
- 6.6 The Discloser should as soon as practicable disclose, in confidence, the grounds for their belief of malpractice to one of the Designated Assessors. The choice of Designated Assessor will be for the Discloser, but a Designated Assessor may decline to become involved on reasonable grounds, including possible previous involvement or interest in the matter concerned, incapacity or unavailability, or if a Designated Assessor is satisfied, after consulting the Lead Assessor, that some other Designated Assessor would be more appropriate to consider the matter in accordance with this procedure.
- 6.7 Any disclosure to a Designated Assessor under this procedure shall, wherever possible, be in writing, but, if this is not practicable, any such disclosure may be oral, at the choice of the Discloser. The Discloser should provide as much supporting written evidence as possible about the disclosure and the grounds for the belief of malpractice.
- 6.8 On receipt of the disclosure, the Designated Assessor will offer to interview the Discloser in confidence. The Designated Assessor should write to the Discloser within five working days of receipt of the disclosure, addressing all correspondence to the Discloser’s home address, setting out (so far as is possible) a timetable for the investigation, beginning with an initial interview. The initial interview should take place as soon as practicable after the initial disclosure. The purpose of the interview will be for the Designated Assessor to obtain as much information as possible from the Discloser about the grounds of the belief of malpractice and to consult with the Discloser about further steps which could be taken. The Disclosure may be accompanied by a local Trade Union Representative or work colleague at the interview. The Designated Assessor may be accompanied by an administrative assistant to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see Section 9 – Safeguards.

7 Procedure for Investigating a Disclosure

- 7.1 The Director of Governance in their capacity of “Lead Assessor” is responsible for ensuring that any complaint made under this procedure is acted upon promptly and investigated as follows.
- 7.2 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.
- 7.3 The Group will then determine whether it believes that the disclosure is wholly without substance or merit. If the Group considers that the disclosure does not have enough merit to warrant further action, the worker will be notified in writing of the reasons for the College’s decision and advised that no further action will be taken by the Group under this policy and procedure. Considerations to be considered when making this determination may include the following:

- If the Group 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 College procedure.

- 7.4 When a worker makes a disclosure, which has sufficient substance or merit to warrant further action, the Group will take the action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Office for Students, Health and Safety Executive or the Information Commissioner's Office.
- 7.5 If appropriate, any internal investigation would be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.
- 7.6 Any recommendations for further action made by the Group will be addressed to the Chief Executive Officer or Chair of the DN Colleges Group Board of Governors 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.
- 7.7 The worker making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period. 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 Chief Executive Officer within 10 working days following receipt of the outcome. The Chief Executive Officer will make a final decision on action to be taken and notify the worker making the disclosure.

8 Disclosure to External Bodies

- 8.1 This policy and procedure has been implemented to allow workers to raise disclosures internally within the DN Colleges Group. A worker has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.
- 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](#).
- 8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4 If a worker seeks advice outside of the Group, they must be careful not to breach any confidentiality obligations or damage the Group's reputation in so doing.

9 Safeguards

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

10 Accountability

- 10.1 The Group will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the DN Colleges Group's Board of Governors on an annual basis as appropriate.

11 Further assistance for workers

- 11.1 The DN Colleges Group 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 Head of Human Resources and Organisational Development.
- 11.2 A worker making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Human Resources Team (hr.group@dncolleges.ac.uk) (for counselling support) or the Head of Human Resources and Organisational Development for any other form of support. Such a request would be made in confidence.
- 11.3 Workers can also contact the charity [Protect](https://protect-advice.org.uk) (formerly Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

Whistleblowing Advice Line: 020 3117 2520

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

12 Amendments / Review

- 12.1 This procedure may be amended by the Corporation's Audit and Risk Committee from time to time.
- 12.2 This procedure will be reviewed annually or when there are any changes to legislation.

13 Relevant Policies and Procedures

- 13.1 None

14 Who to contact with Queries

- 14.1 Director of Governance (Lead Assessor) – Jo Garrison, jo.garrison@don.ac.uk; 01302 553718; jo.garrison@northlindsey.ac.uk; 01724 294008.

15 Communication

- 15.1 The Whistleblowing Policy and Procedure will be put on the individual college's intranet sites and websites.
- 15.2 Regular reviews will be carried out by the Audit & Risk Committee.

16 Authorisation

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| Policy Holder: | Director of Governance |
| Committee Group: | Senior Leadership Team |
| Authorising Group: | Audit & Risk Committee |
| Initial Authorisation: | March 2019 |
| First Review Date: | March 2020 / upon any legislative changes (review not deemed necessary) |
| Next Review Date | March 2022 |