

# Whistleblowing (Duty to Act) Policy

*Excellence • Integrity • Supportiveness*

***Our Mission***

Raising Aspirations, Unlocking Potential, Advancing Futures

**Our Values**

Excellence, Passion, Team Work, Integrity, Innovation,  
Sustainability, Valuing Others and Supportiveness

**Sparsholt College Hampshire, incorporating Andover College**

The Sparsholt College Group (the College Group) includes Sparsholt College, Andover College, University Centre Sparsholt, Sparsholt College Services, Westley Enterprises and Andover Town Football Club. College Group policies apply to each part of the group unless specified otherwise.

The Whistleblowing (Duty to Act) Policy was approved by the Board of Governors on 9 December 2021. This supersedes previous versions.

Originator:	Clerk to the Corporation
Located:	College Group websites College Group intranet
Due for review:	February for March/April 2024

## **Whistleblowing (Duty to Act) Policy and Procedure**

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## Whistleblowing (Duty to Act) Policy and Procedure

### 1 Policy Statement

- 1.1 Sparsholt College Hampshire (“the College”) has a commitment to the highest standards of quality, honesty, openness and accountability. Staff have an important role in helping to achieve these standards by voicing concerns, at the earliest practicable stage, when someone in the organisation appears to be doing something illegal or improper. This policy covers the reporting of any genuine concerns about suspected misconduct or malpractice within the organisation. This policy applies to all permanent and short term College Group staff, and is also extended to agency staff, external consultants, contractors and their staff whilst they are working on College Group business.
- 1.2 This policy exists exclusively for circumstances of concern about a risk, malpractice or wrongdoing that may affect others or the College Group. Personal complaints or grievances which affect an individual are covered by the College Group’s Complaints Management (or other Feedback) Policy or Grievance Policy and Procedures. The Duty to Act (Whistleblowing) Policy and Procedure should not be used for personal complaints or grievances.
- 1.3 This policy conforms to guidance on the Public Interest Disclosure Act (PIDA), which encourages staff to raise concerns internally within their employing organisation in the first instance. The PIDA protects employees and encourages disclosures in the public interest.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.5 It is impossible to give an exhaustive list of the activities covered by this policy but, broadly speaking, it is expected that the following would be reported:
  - a) Criminal offences;
  - b) Facilitation of tax evasion;
  - c) Failure to comply with legal or regulatory obligations, including the duty to act (eg in connection with reporting extremism and PREVENT);
  - d) Fraud, bribery, or corruption;
  - e) Other criminal activity;
  - f) Miscarriages of justice;
  - g) Actions which endanger the health or safety of staff, or safeguarding of learners or the public;
  - h) Actions which cause damage to the environment;
  - i) Breach of any legal or professional obligation;
  - j) Actions which are intended to conceal any of the above.
- 1.6 This policy is designed to ensure that anyone who raises a concern will not suffer any form of retribution, victimisation or harassment from anyone in the workplace as a result..
- 1.7 Concerns may be raised in confidence under this policy however, concerns raised anonymously are discouraged as this makes investigation difficult. and the individual’s identity will not be disclosed without their consent.

- 1.8 It is hoped that staff will be reassured enough to be able to raise concerns with their manager or with a member of the Strategic Leadership Team and that anyone raising a concern from outside the College Group will first approach their own employer. Where the person wishing to raise a concern feels unable to speak to College management, or believes that a concern has not been handled properly, the Clerk to the Corporation, who is independent of College management, may be contacted. The independent charity Protect also operates a confidential Advice Line at 020 31172520 (see External Contacts below).
- 1.9 Any example of a College Group manager or a member of staff attempting to prevent a legitimate concern being raised will be treated as a serious disciplinary matter.
- 1.10 In the very unlikely circumstances that anyone maliciously raises a concern that they know is untrue, the individual identity protection and confidentiality afforded by this policy will not be extended to them and, as with any false claim, the College Group will be obliged to deal with this as a potentially very serious offence which may be subject to disciplinary action.

## **2 Monitoring the Policy**

- 2.1 Confidential records will be kept by the Strategic Leadership Team of all matters raised through this policy. The Audit Committee will be informed annually whether any disclosures have been made during the year.

## **Appendix 1 - Whistleblowing (Duty to Act)( Procedure for Members of College Group Staff**

### **3 How to raise a concern**

- 3.1 The College hopes that, in the first instance, you will feel able to raise a concern with your manager. You may choose to contact a member of the Strategic Leadership Team (SLT) instead if you prefer. Contact may be in person or in writing.
- 3.2 If, for whatever reason, you feel you cannot speak with your manager or a member of SLT about your concern, or if you think your concern has not been handled properly, then you should contact the Clerk to the Corporation by telephone or email (details are available from College Reception, telephone 01962 776441) or by writing to Clerk to the Corporation, Sparsholt College Hampshire, Sparsholt, Winchester, SO21 2NF. The Clerk to the Corporation operates independently of the College Principal and is directly employed by the Board of Governors and is, as a consequence, independent of College Group management. Consequently, , unless your concern also involves the Board of Governors, the Clerk is well placed to listen to any concerns and to deal with these y confidentially.
- 3.3 Concerns may be raised in confidence under this policy. However, concerns raised anonymously are discouraged as this makes investigation difficult. If you would like to raise the matter in confidence, please say so at the beginning so that appropriate arrangements can be made. If you want to raise your concern confidentially, we will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern.
- 3.4 In the context of concerns regarding Safeguarding practices, College Group staff should use the same procedures. However, if you believe that a child or young person has been harmed by a person in a position of trust (ie a member of staff) and you feel unable to raise this issue with the College Group or you feel that your genuine concerns are not being addressed, other whistleblowing channels are available. The Local Authority Designated Officer (LADO) can be contacted direct on 01962 876364 or at [child.protection@hants.gov.uk](mailto:child.protection@hants.gov.uk), with general guidance found at <https://www.gov.uk/whistleblowing>.
- 3.5 The NSPCC whistleblowing Advice Line is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday - or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

### **4 How the College will handle the matter**

- 4.1 Once you have told us of your concern, we will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an internal inquiry or a more formal investigation. If appropriate, we will arrange a meeting with you as soon as possible to discuss your concern. You may bring a work colleague or official union representative to any meetings arranged under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. We will tell you who your point of contact will be and whether further assistance will be needed from you. We may ask you how you think your concern should be dealt with. If you have a personal interest in the matter, we would ask that you tell us at the outset. Whilst we will try to give you as much feedback as possible, we may

not be able to give you specific details as this could infringe upon the privacy of another individual.

- 4.2 The College Group cannot guarantee to respond to all concerns in the way that you might wish, but will try to handle the matter fairly and reasonably.

## **5 External contacts**

- 5.1 The main purpose of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, raising concerns internally would be the most appropriate course of action.

- 5.2 If, for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator or professional body. . If you are thinking about taking a concern outside the College Group, we strongly encourage you to seek advice before reporting a concern to anyone external. The independent charity Protect operates a confidential advice line. Their contact details are below.

- 5.3 The College Group hopes this policy gives you the reassurances you need to raise concerns internally but, if you still feel uneasy, the College would rather you raised a concern with an external contact than not at all.

- 5.4 *See 3.4 and 3.5 above for information about raising safeguarding concerns externally.*

- 5.5 Free, confidential advice is available from Protect (formerly known as Public Concern at Work). Telephone 020 3117 2520, or visit <https://protect-advice.org.uk/contact-protect-advice-line/> for further information. You may also contact your local Trade Union representative for advice.

- 5.6 If you feel the matter has not been resolved once this procedure has been exhausted, you may make a complaint to a relevant external body such as the Education and Skills Funding Agency Ofsted, or Health and Safety Executive (HSE). Further information is available on the GOV.UK website at:

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

## **6 Protection and support for whistleblowers**

- 6.1 We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

- 6.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform a member of the SLT or, if the SLT is involved, the Clerk to the Corporation immediately. If the matter is not remedied you should raise it formally using our Grievance Policy and Procedure.

- 6.3 You must not threaten or retaliate against whistleblowers in any way. If you are

involved in such conduct, you may be subject to disciplinary action.

- 6.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.



## **Appendix 2 - Whistleblowing (Duty to Act) Procedure for Agency Staff, External Consultants, Contractors and their Staff whilst Working on College Group Business**

### **7 How to raise a concern**

- 7.1 The College hopes that, in the first instance, you will feel able to raise a concern with your employer. If you feel unable to do so, you are advised to seek independent advice (see external contacts below).
- 7.2 You may also choose to contact a member of the College's Strategic Leadership Team (SLT). Details are available from College Reception (telephone 01962 776441). Contact may be in person or in writing.
- 7.3 If for any reason you feel you cannot speak with your employer or a member of SLT about your concern or, if you think your concern has not been handled properly, then you should contact the Clerk to the Corporation by telephone or by email (details are available from College Reception, telephone 01962 776441) or by writing to Clerk to the Corporation, Sparsholt College Hampshire, Sparsholt, Winchester, SO21 2NF. The Clerk to the Corporation operates independently of the College Principal and is directly employed by the Board of Governors and is, as a consequence, independent of College Group management. Consequently, unless your concern also involves the Board of Governors, the Clerk is well placed to listen to any concerns and to deal with these confidentially.
- 7.4 *See 3.4 and 3.5 above for safeguarding concerns relating to a member of staff.*
- 7.5 If you would like to raise the matter in confidence, please say so at the beginning so that the College Group can make appropriate arrangements. If you want to raise your concern confidentially, we will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern. The College Group prefers not to receive concerns anonymously because carrying out the investigation is much easier if you tell us who you are and we are unable to give you feedback if you do not.

### **8 How the College Group will handle the matter**

- 8.1 Once you have told us of your concern, the College Group will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an inquiry or a more formal investigation. We will tell you who your point of contact will be and whether further assistance will be needed from you. WeT may ask you how you think your concern should be dealt with. If you have a personal interest in the matter, we ask that you tell us at the outset. Whilst we will try to give you as much feedback as possible, we may not be able to give you specific details as this could infringe upon the privacy of another individual.
- 8.2 The College Group cannot guarantee to respond to all concerns in the way that you might wish, but will try to handle the matter fairly and reasonably where.

## 9 External contacts

9.1 Free, confidential advice is available from Protect (formerly known as Public Concern at Work). Telephone 020 3117 2520, or <https://protect-advice.org.uk/contact-protect-advice-line/> for further information. You may also contact your local Trade Union representative for advice.

9.2 If, for whatever reason, you feel you cannot raise your concerns internally or with the College Group and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator or professional body such as the Education and Skills Funding Agency, Ofsted or the Health and Safety Executive (HSE) Further information is available on the GOV.UK website at:

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

9.3 The NSPCC Whistleblowing Advice Line is also available for anyone who does not feel able to raise concerns regarding child protection failures with the College Group. Anyone can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday - or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). See also 3.4 above for safeguarding concerns relating to a member of staff.

### **Appendix 3- Whistleblowing (Duty to Act) Procedure for Managers and SLT Members**

#### **10.1 How to handle concerns raised under the Whistleblowing (Duty to Act) Policy**

10.2 As a manager, you lead by example. Be clear to your staff what sort of behaviour is unacceptable and practise what you preach. Encourage staff to ask you what is appropriate if they are unsure before – not after – the event. If you find wrongdoing or a potential risk, take it seriously and deal with it immediately.

#### **10.3 Responding to a concern**

1. Thank the individual for telling you, even if they may appear to be mistaken
2. Allay any fears raised about potential impact on the member of staff's own position or career
3. Manage expectations and respect promises of confidentiality where you can, recognising that the matter may need to be referred to another colleague for investigation
4. Discuss reasonable timeframes for feedback with the member of staff
5. Remember there are different perspectives to every story
6. Keep a written record of the disclosure as it is made to you
7. Determine whether there are grounds for concern and investigate if necessary as soon as possible.

NB. In the context of concerns regarding Safeguarding practices, refer the matter immediately to the Designated Safeguarding Lead (DSL) or Principal, who will advise the Local Authority Designated Officer (LADO) of all cases where it is alleged that a child has been harmed by a person in a position of trust (ie a member of staff) **before** any investigation starts. If the allegation is against a senior member of staff and you feel unable to follow this procedure, the LADO can be contacted direct on 01962 876364

8. Consider who should handle the investigation and know when to ask for help. If the concern is potentially very serious or wide-reaching, refer the matter to the Principal & Chief Executive for advice before proceeding to investigate
9. Always remember that you may have to explain how you have handled the concern. Keep written records as the investigation progresses
10. Feed back any outcome and/or remedial action you propose to take to the member of staff who has raised the concern but be careful if this could infringe any rights or duties you may owe to other parties
11. Put your response in writing even if you have also given verbal feedback
12. Report to the Strategic Leadership Team the outcome of any genuine concern where malpractice or a safety risk was identified and addressed.

#### **Appendix 4 - Whistleblowing (Duty to Act) Procedure for the Clerk to the Corporation**

##### **11.1 How to handle concerns raised under the Whistleblowing (Duty to Act) Policy**

11.2 Concerns may be raised under the policy where a member of staff feels unable to raise the matter with their manager or a member of the Strategic Leadership Team, or where a member of staff believes that a concern raised with College Group management has not been handled properly.

##### **11.3 Responding to a concern**

1. Gather all the evidence available. This may involve interviewing the member of staff and any persons previously involved in dealing with the matter
2. Bring the matter to the attention of the Chair of the Audit Committee, who will review the evidence and decide whether further investigation or action is required, if necessary using the College's Internal Audit Service or by informing the Police should criminal activity be suspected
3. Advise the member of staff, in writing to their home address, of the outcome of the review and any further action taken to resolve the issue.