

# 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 Group**

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 in March 2024. This supersedes previous versions.

Originator:	Head of Corporate Governance
Located:	College Group websites College Group intranet
Due for review:	February for March/April 2027

# **WHISTLEBLOWING (DUTY TO ACT) POLICY AND PROCEDURE**

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# WHISTLEBLOWING (DUTY TO ACT) POLICY AND PROCEDURE

## 1 Policy purpose and scope

- 1.1 All colleges face the risk of things going wrong or of unknowingly harbouring malpractice. Sparsholt College Group (the College Group) takes malpractice very seriously and is committed to conducting our organisation with honesty and integrity and we expect all staff to maintain high standards too. We encourage open communication from all those who work for us and we want everyone to feel secure about raising concerns.
- 1.2 All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection. It does not matter if an individual who raises a concern is mistaken about it — staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.
- 1.3 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.
- 1.4 This policy covers all employees, officers, consultants, contractors, casual workers and agency workers.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## 2 When to use this policy

- 2.1 This policy exists exclusively for circumstances of concern about a risk, malpractice or wrongdoing that may affect others or the College Group. There is a difference between whistleblowing and raising a grievance:
  - a) whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens students, third parties or the public generally; but
  - b) a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.
- 2.2 This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should refer to the Grievance Policy and Procedures.
- 2.3 The College Group also publishes Complaints (and other Feedback) Policies for FE and HE.

## 3 Malpractice covered by this policy

- 3.1 Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the activities the College Group undertakes. The kinds of malpractice covered by this policy include:

- a) criminal offences, including those in relation to bribery and corruption, fraud and tax evasion facilitation;
- b) miscarriages of justice;
- c) danger to the health and safety of any individual;
- d) damage to the environment;
- e) breach of any legal or professional obligation, including those in relation to bribery and corruption, fraud and tax evasion facilitation;
- f) deliberately concealing any of the above.

#### **4 Procedures for raising and responding to concerns**

- 4.1 The procedures are designed to ensure that anyone who raises a concern which they reasonably believe shows serious wrongdoing within the workplace will not suffer any form of retribution, victimisation or harassment from anyone in the workplace as a result.
- 4.2 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.
- 4.3 Although a concern may be raised anonymously, we encourage you give your name when reporting your concern whenever possible. If this is not done, it will be much more difficult for us to protect your position or to give feedback on the outcome of investigations. Concerns that are expressed completely anonymously are also much less powerful and are difficult to investigate.
- 4.4 It is hoped that staff will be reassured enough to be able to raise concerns with their cost centre 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 Group management, or believes that a concern has not been handled properly, the Head of Corporate Governance (Clerk to the Corporation), who is independent of management, may be contacted.
- 4.5 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.
- 4.6 To ensure the protection of all our staff, in the very unlikely circumstances that anyone maliciously raises a concern frivolously, maliciously and/or for personal gain and/or makes an allegation they do not reasonably believe to be true and/or made in the public interest, 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.
- 4.7 The procedures to follow are set out below in Appendices 1-4.

#### **5 Monitoring the Policy**

- 5.1 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.

## **6 External Guidance**

- 6.1 The Advisory, Conciliation and Arbitration Service (ACAS) is an independent public body which provides guidance for employers and employees. ACAS publishes guidance on whistleblowing at [www.acas.org.uk/whistleblowing-at-work](http://www.acas.org.uk/whistleblowing-at-work).
- 6.2 Details about free, confidential advice available from the independent charity Protect are given in the procedures sections below.

## Appendix 1 - Whistleblowing Procedure for Members of College Group Staff

### 1 How to raise a concern

- 1.1 The College Group hopes that, in the first instance, you will feel able to raise a concern with your cost centre 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.
- 1.2 If, for whatever reason, you feel you cannot speak with your cost centre 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 Head of Corporate Governance (Clerk to the Corporation) by telephone or email (details are available from College Reception, telephone 01962 776441) or by writing to Head of Corporate Governance, Sparsholt College Hampshire, Sparsholt, Winchester, SO21 2NF. The Head of Corporate Governance operates independently of the College Principal and is directly employed by the Board of Governors and is, consequently, independent of College Group management. Consequently, unless your concern also involves the Board of Governors, the Head of Corporate Governance is well placed to listen to any concerns and to deal with these confidentially.
- 1.3 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.
- 1.4 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 (i.e. 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>.
- 1.5 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 8:00am to 8:00pm, Monday to Friday - or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

### 2 How the College Group will handle the matter

- 2.1 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.

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

### **3 External contacts**

- 3.1 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.
- 3.2 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.
- 3.3 The College Group hopes this policy gives you the reassurances you need to raise concerns internally but, if you still feel uneasy, the College Group would rather you raised a concern with an external contact than not at all.
- 3.4 See 3.4 and 3.5 above for information about raising safeguarding concerns externally.
- 3.5 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.

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>

### **4 Protection and support for whistleblowers**

- 4.1 We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 4.2 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 Head of Corporate Governance immediately. If the matter is not remedied, you should raise it formally using our Grievance Policy and Procedure.
- 4.3 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.
- 4.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.



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

### **1 How to raise a concern**

- 1.1 The College Group 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).
- 1.2 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.
- 1.3 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 Head of Corporate Governance (Clerk to the Corporation) by telephone or by email (details are available from College Reception, telephone 01962 776441) or by writing to Head of Corporate Governance, Sparsholt College Hampshire, Sparsholt, Winchester, SO21 2NF. The Head of Corporate Governance operates independently of the College Principal and is directly employed by the Board of Governors and is, consequently, independent of College Group management. Consequently, unless your concern also involves the Board of Governors, the Head of Corporate Governance is well placed to listen to any concerns and to deal with these confidentially.
- 1.4 See 3.4 and 3.5 above for safeguarding concerns relating to a member of staff.
- 1.5 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 as we are unable to give you feedback if you do not.

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

- 2.1 Once you have told the 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. We 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.
- 2.2 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.

### **3 External contacts**

- 3.1 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.

- 3.2 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>

- 3.3 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 8:00am to 8:00pm, 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 Procedure for Cost Centre Managers and SLT Members

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

- 1.1 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.
- 1.2 Follow these steps to respond to a concern:
- a) Thank the individual for telling you, even if they may appear to be mistaken;
  - b) Allay any fears raised about potential impact on the member of staff's own position or career;
  - c) Manage expectations and respect promises of confidentiality where you can, recognising that the matter may need to be referred to another colleague for investigation;
  - d) Discuss reasonable timeframes for feedback with the member of staff;
  - e) Remember there are different perspectives to every story;
  - f) Keep a written record of the disclosure as it is made to you;
  - g) Report that a concern has been raised under the Whistleblowing Policy (or which you consider may be covered by whistleblowing disclosure protections) to a member of the SLT as soon as possible;
  - h) With the member of the SLT, determine whether there are grounds for concern and investigate if necessary as soon as possible. Consider who should handle the investigation, including in relation to avoiding a perceived conflict of interest, and whether professional advice is required.;
  - i) If the concern is potentially very serious or wide-reaching, refer the matter to the Principal & Chief Executive before proceeding to investigate;
  - j) **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;
  - k) **In the context of concerns regarding health and safety practices**, report the matter to the Health & Safety Officer or Principal (immediately if the concern is about a current risk), as well as to a member of the SLT;
  - l) Always remember that you may have to explain how you have handled the concern. Keep written records as the investigation progresses;
  - m) 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;
  - n) Put your response in writing even if you have also given verbal feedback; and
  - o) Report the outcome to the SLT member. The outcome of any serious matters will also be considered by the SLT or Wellbeing Committee (as appropriate).

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

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

- 1.1 Concerns may be raised under the policy where a member of staff feels unable to raise the matter with their cost centre 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.

### **2 Responding to a concern**

- 2.1 Gather all the evidence available. This may involve interviewing the member of staff and any persons previously involved in dealing with the matter. Seek professional/legal advice if required.
- 2.2 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 Group's Internal Audit Service or by informing the Police should criminal activity be suspected
- 2.3 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.