

Policy Title	Whistleblowing Policy and Procedure
Date Approved	21 November 2013
Approved by	The Corporation
Date of Impact Assessment	04 June 2013
Next Review Date	March 2023
Executive Lead	Director of Governance & Legal Services
Accessible To	Staff, Students, Public

1. Scope and Purpose

- 1.1 The Whistleblowing Policy and Procedure (the ‘Policy’ and the ‘Procedure’) applies to all members of the Board and its committees, all Loughborough College employees, all agency staff and all independent contractors and consultants working with Loughborough College (the ‘College’).
- 1.2 The purpose of this policy and the associated procedure is:
- To enable staff to raise relevant issues without fear of victimisation
 - To enable staff to receive an adequate response to the issues raised
 - To provide the College with the opportunity to investigate those concerns and take appropriate action.
- 1.3 The aim of the Policy is to provide safeguards to staff who raise genuine concerns about malpractice or illegal acts or omissions by the College’s employees or, where relevant, ex-employees.
- 1.4 Legitimate concerns are those which are in the public interest. Public interest means matters which warrant disclosure in the interests of protecting the public (or the College, staff or students), rather than matters which are interesting to the public.
- 1.5 The Policy does not relate to mismanagement or poor management which does not constitute malpractice, allegations known to be untrue, or matters raised for the purpose of furthering any private dispute or for the purpose of financial gain by the person raising the matter.
- 1.6 This Policy does not prevent an individual from raising matters of immediate urgent concern with an appropriate regulatory body. Such circumstances are likely to be safety issues (to the Health and Safety Executive) or personal security issues such as assault (to the police).
- 1.7 Staff may ask their trade union to raise an issue on their behalf. In such a case, the nominated trade union official is responsible for satisfying themselves that the case is reasonable.

2. Policy Statement

- 2.1 The College is committed to the highest standards of integrity, probity and openness in public life. The College will maintain a procedure in line with relevant legislation and best practice.

2.2 We will:

- Ensure all concerns are treated fairly and properly within a transparent and confidential process
- Not tolerate the harassment or victimisation of anyone raising a genuine concern
- Make every effort to keep the identity confidential of any individual making a disclosure unless they agree otherwise or subject to a court requirement or if they act maliciously
- Ensure that any individual raising a concern is aware of who is handling the matter
- Encourage staff to make the appropriate use of the Procedure but will take disciplinary action in response to malicious unfounded disclosures.

2.3 The policy not only covers possible improprieties in matters of financial reporting, but also legitimate concerns regarding:

- Fraud*
- Corruption, bribery or blackmail*
- Criminal offences
- Failure to comply with a legal or regulatory obligation
- Failure to properly safeguard assets
- Miscarriage of justice
- Dishonesty
- Acting contrary to College Ethics Policy or Codes of Conduct for Staff and Governors
- Cheating**
- Poor or unsafe practice in regard to safeguarding and protecting learners
- Endangering the health and safety of an individual
- Concealment of any of the above

*To be investigated under the Fraud, Bribery and Corruption Policy

** To be investigated under the Plagiarism Policy

This list is not intended to be exhaustive.

3. Equality and Diversity Statement

3.1 An Equality Impact Assessment was undertaken on 4 June 2013 by the College's Equality and Diversity Coordinator. No substantive changes were made in the 2016 or 2020 revisions.

4. Adoption

4.1 This Policy is adopted by the Corporation after consultation and agreement with its recognised trade unions.

5. Linked Policies

- Anti-Fraud, Bribery and Corruption Policy
- Freedom of Information Policy
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Health & Safety Policy
- Data Protection Policy
- Equality & Diversity Policy

6. Linked Procedures

- Governors' Code of Conduct

7. Location and Access to the Policy

- Policies and Procedures Area of College Website

8. Persons Responsible for the Policy

- The Director of Governance & Legal Services

9. Procedure

9.1 Context: Public Interest Disclosure Act 1998

9.1.1 All UK workers are protected under the Public Interest Disclosure Act 1998 when they make a protected disclosure. This is a disclosure of information which, in the reasonable belief of the worker making the disclosure, covers the following employer activities:

- A criminal offence has been, is being, or is likely to be committed
- A person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of an individual has been, is being, or is likely to be endangered
- The environment has been, is being, or is likely to be damaged
- The individuals actions will adversely impact upon achieving the Colleges objectives either financially, its reputation or quality of student experience
- Information relating to the above is being deliberately concealed

9.1.2 Workers in other territories will be treated by the institution as if such legislation applied to them.

9.1.3 This procedure is not designed to deal with individual issues relating to a breach or likely breach of a contract of employment. The Grievance Policy and Procedure should be followed for those matters.

9.2 Victimisation

9.2.1 The Policy provides safeguards to protect staff who raise genuine concerns about malpractice.

9.2.2 Any disclosure must be treated in confidence and every effort made to maintain the anonymity of the person disclosing the information (the 'Discloser'), if that is their wish. It must be noted, however, that anonymity may not always be possible; this is dependent on the nature of the disclosure.

9.2.3 Staff who raise issues in accordance with the Policy will not be victimised or bullied as a result of their actions. The Disciplinary Policy and Procedure will be applied to anyone found to be victimising the Whistle Blower; and if victimisation is proven, it will be considered as gross misconduct.

9.3 Abuse of the Procedure

9.3.1 It is important that genuine concerns are raised and, provided that they are not known to be untrue, the fact that they are subsequently shown to be unfounded will not be reason for disciplinary action.

9.3.2 However, abuse of the Policy will be a serious matter and may result in disciplinary action.

9.4 Stage 1

9.4.1 Should a Governor or member of staff wish to raise a matter of Whistleblowing, they should bring it to the attention of the Director of Governance and Legal Services (the 'Director').

9.4.2 The Director will acknowledge receipt and their understanding of the disclosure in writing within five working days of the allegation and report the matter to the Chief Executive and the Chair of Audit and Risk Committee.

9.4.3 The Chief Executive will review the disclosure and, if necessary, appoint an appropriate manager (or external investigator) as the 'Investigating Officer'.

9.4.4 If the disclosure involves a member of the Executive, the Director will inform the Chair of Audit and Risk, who will review the disclosure and, if necessary, appoint an external and independent Investigating Officer.

9.4.5 If the disclosure involves a member of the Board, the Director will inform the Chair of the Corporation Board who will review the disclosure and, if necessary, appoint an Investigating Officer who may be external to the College. If the disclosure involves the Chair of the Corporation Board, the Director will inform the Chair of Audit and Risk.

9.4.6 If the disclosure involves the Director, then the Discloser should raise the matter with the Chair of Audit and Risk Committee who will review the disclosure and, if necessary, appoint an internal or external Investigating Officer.

9.4.7 Following the receipt of a Whistleblowing disclosure, the Board will be informed at its next regular meeting.

9.4.8 The Investigating Officer will undertake all necessary investigations to establish the veracity of the whistleblowing claims. They will submit a written report to the Chief Executive (or relevant reviewer), for consideration and determination of actions.

- 9.4.9 The purpose of the investigation is to obtain, clarify and confirm all available information concerning alleged malpractice. If an interview is held between the Investigating Officer and the Discloser, the Discloser may be accompanied in this meeting by a fellow employee or trade union representative (the “Companion”). The Discloser’s chosen Companion has the right to address the meeting to put the Discloser’s case, sum up the case and respond on the Discloser’s behalf to any view expressed at the meeting. The Companion may also confer with the Discloser during the meeting. However, there is no requirement for the Investigating Officer to permit the Companion to answer questions on behalf of the Discloser, or to address the meeting where the Discloser indicates that they does not wish this.
- 9.4.10 The Investigating Officer will, unless impractical to do so, agree their note of any interview with the Discloser before proceeding further (within ten working days of the interview).
- 9.4.11 The Investigating Officer will be permitted to take further professional advice.

9.5 Reporting

- 9.5.1 In the event of alleged financial irregularities, the Chair of the Audit and Risk Committee will report the matter to the Internal and/or External Auditors and, if appropriate, the funding body in accordance with the College’s financial regulations. If the allegation concerns financial irregularities, the investigation shall be reported to the Audit and Risk Committee prior to any decision being reported to the Whistle Blower.
- 9.5.2 The Investigating Officer will inform the Discloser of the action they have taken within four weeks of any discussions with them. The Investigating Officer will keep the Discloser regularly informed of the progress of any investigation and of the outcome. It is acknowledged that some investigations may be complex and lengthy and, since the outcome may involve prosecution, all due diligence and caution will be required.
- 9.5.3 On completion of the Procedure, but prior to communication to the Discloser, the Chief Executive (or relevant reviewer) will inform the Audit and Risk Committee of the detail of the allegation, the action taken and the final recommendation. This will allow the Audit and Risk Committee to consider the matter at the completion of the investigation.
- 9.5.4 As far as possible, and subject to third-party rights, the Chief Executive (or relevant reviewer) will notify the Discloser in writing of the outcome of the investigation within five working days of the decision of the Audit and Risk Committee.

9.6 Stage 2

- 9.6.1 Should the Discloser feel that the matter has not followed the Procedures or that the conclusion is factually incorrect, the Discloser can refer the matter to the Chair of Governors within 15 working days of the conclusion explaining their reasons for disputing the outcome. The Chair will call a Special Committee to review the initial Whistleblowing disclosure, the Investigating Officer’s report and background evidence, and the action/remediation plan. From these, the Special Committee will determine if the response was appropriate or if further work needs to be undertaken. The decision of the Special Committee will be final.
- 9.6.2 On completion of the Stage 2 process, the Chief Executive (or relevant reviewer) will bring the report to the next available Board Meeting along with a final action plan for approval.

9.7 Timescales

- 9.7.1 Every effort will be made to adhere to the timescales set out in the procedure. However, it is recognised that such timescales should be flexible, bearing in mind the variation in the length of time it may take to investigate different types of concerns.
- 9.7.2 In the event of the investigation being a prolonged one, the Investigating Officer will keep the Discloser informed, in writing, as to the progress of the investigation, and as to when it is likely to be concluded.

9.8 Interpretation

- 9.8.1 Matters of interpretation will be the responsibility of the Director of Governance & Legal Services as advised by the Chair of Audit & Risk.

9.9 Contact Details

The Director of Governance & Legal Services can be contacted by email, phone or letter. Email: ian.jones@loucoll.ac.uk

Phone: 01509 515494 (or internal ext. 3494) Post (marked private & confidential):

Director of Governance & Legal Services, Loughborough College, Radmoor Road, Loughborough Leicestershire LE11 3BT

10. Change log

Date	Version no.	Details of change	Revision or Review by	Approved by (if required)
Sept 2013	2	Revisions following review and HEFCE guidelines	Clerk to the Corporation	Corporation Board 21.11.13
Nov 2016	2.1	Contact details of DPO added following PwC review	Clerk to the Corporation	Audit & Risk 28.11.16
January 2020	2.2	Review; update to 9.4.9 on who can accompany discloser at a meeting/role of union.	Director of Governance & Legal Services	