



## ADA, National College for Digital Skills

### WHISTLEBLOWING POLICY

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<b>Date Reviewed:</b>	4 March 2020		
<b>Approved By:</b>	Audit	Date	Minute Reference
		18 March 2020	2.9
	Board	Date	Minute Reference
13 May 2020		4.8	
<b>Review due:</b>	March 2023		

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## 1 PURPOSE

Ada, the National College for Digital skills is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff, governors and others that we deal with, who have serious concerns about any aspect of the College are encouraged to voice those concerns.

Staff and governors at the College are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the College. They may also fear harassment or victimisation. This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage.

## 2 SCOPE

This Whistleblowing Policy is intended to encourage and enable staff and governors to raise serious concerns within the College, rather than overlooking a problem or raising the matter externally.

This policy sets out the way in which individuals and workers should raise any concerns that they have, and how this will be dealt with. If an individual is not sure whether to raise a concern, they should discuss the issue with their line manager or the Head of Human Resources (HR).

## 3 DEFINITIONS

Whistleblowing inside the workplace is the reporting by workers, or ex-workers, of wrongdoing such as fraud, malpractice, mismanagement, breaking of health and safety law or any other illegal or unethical act either on the part of the management, the College Trust or by fellow workers. This policy applies to all staff, governors and those contractors working for the College known as 'workers' for the purpose of this policy due to the different types of contracts which they may be engaged on with the College.

## 4 LEGISLATION

4.1 The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures".

A qualifying disclosure means any disclosure which, in the reasonable belief of the worker making it, tends to show one or more of the following:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation;
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. It is then the College's responsibility to ensure that an investigation takes place.

- 4.2. A worker who makes such a qualifying disclosure has the right not to be dismissed, or subjected to victimisation, because they have made the disclosure. Victimisation of a worker for raising a qualifying disclosure will be dealt under the disciplinary policy.
- 4.3. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to an appropriate person as stated below.

## 5 ANONYMOUS ALLEGATIONS

- 5.1. Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this Whistleblowing Policy, especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Governing Body will take the following factors into account:
  - the seriousness of the issue raised;
  - the credibility of the concern;
  - the likelihood of confirming the allegation from attributable sources and obtaining information provided.

## 6 MALICIOUS ACCUSATIONS

- 6.1. If an allegation is made in good faith, but is not substantiated, no disciplinary action will be taken against the person raising the concern. If, however, an allegation is made frivolously, maliciously or for personal gain, the College will treat this as a disciplinary offence.

## 7 PROCEDURE

- 7.1. This procedure applies to disclosures other than a breach of an employee's own contract of employment whereby he/she should use the College's Grievance Procedure. The College will endeavour to maintain the confidentiality of the whistleblower's identity, although no absolute promise of this can realistically be made.
- 7.2. **STAGE 1:**
  - 7.2.1. Should a worker have evidence or genuinely suspect wrongdoing in the College, they should approach and disclose this to their line manager. This can be done in writing or verbally, and reference to this policy should be made.

- 7.2.2. The Line Manager will be responsible for liaising with the Head of HR in the first instance and:
- 7.2.2.1. Assess whether the disclosure is appropriate to be dealt with under this policy;
  - 7.2.2.2. Conduct a full, confidential and prompt investigation;
  - 7.2.2.3. Within 10 working days, report back the outcome of the investigation to the worker who made the disclosure, the CEO, Dean and the Executive Leadership Team.
- 7.2.3. The investigation report will be discussed between the Investigating Officer (usually the Line Manager), the Head of HR, the CEO and the Dean.
- 7.2.4. The outcome of the investigation may be:
- to instigate disciplinary proceedings;
  - to contact appropriate external bodies;
  - no further action.
- 7.2.5. Should the allegation of wrongdoing involve a Executive Post holder, i.e. the CEO, Dean or Vice Principal, the disclosure may be made directly to the Chair of the Governing Body or via the Clerk. The Chair will follow the process outline above, starting on the date on which the disclosure is received by them.

### 7.3. **STAGE 2:**

- 7.3.1. A worker may progress to Stage 2 of this procedure under the following conditions:
- 7.3.1.1. If there are concerns of failure to conduct a proper investigation or report the outcome of the investigations to the CEO, Dean or Executive Leadership Team at Stage 1;
  - 7.3.1.2. If there is suspicion that the Line Manager may be involved in the matter and therefore it is appropriate to move straight to Stage 2.
- 7.3.2. At Stage 2, the same process applies as at Stage 1 with the exception that the worker/ person who has concerns may make a qualifying disclosure under this policy to the Head of HR.
- 7.3.3. The Head of HR will therefore be responsible for allocating an Investigating Officer and ensure that the process is followed promptly and confidentially as stated at Stage 1.
- 7.3.4. At this stage, the CEO or Dean will be involved to ensure that the investigation is conducted fairly and thoroughly. Again, the outcome of the investigation will be shared with the worker who has made the disclosure and the Executive Leadership Team.

**7.4. STAGE 3:**

- 7.4.1. This policy is intended to provide staff with a route to raise concerns within the College. However, if on conclusion of Stages 1 and 2 the worker reasonably believes that the appropriate action has not been taken and still has concerns, they are at liberty to raise the matter to the proper external authority.

Independent, free, confidential advice on whistleblowing may be obtained by phoning the confidential helpline "Protect" on 020 3117 2520 or by visiting the "Protect" website at <https://protect-advice.org.uk/contact-protect-advice-line/>

**8 WHISTLEBLOWING CHAMPIONS**

- 8.1. In the event that a worker feels that it would be inappropriate to make a disclosure to their line manager, they may contact the Whistleblowing Champion, who will be responsible for ensuring that the correct procedure is followed.
- 8.2. The Whistleblowing Champion is the Clerk to the Governing Body.

**9 DEVIATIONS FROM POLICY**

The Audit Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

Unless specifically approved, any deviation from this policy is strictly prohibited. Any deviation from or non-compliance with this policy shall be reported to the Chair of Governors.