



**South Gloucestershire and Stroud College
(and all subsidiary companies)**

**Whistleblowing (public interest disclosure)
policy and procedure**

If you would like this document in an alternate format
Please contact the Human Resources Department

Policy and Procedure Prepared by:	Moira Foster-Fitzgerald
Job Title/Role:	Chief Group Services Officer
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Approved by:	Corporation
Date:	6 June 2019

Mandatory Initial Equality and Diversity Impact Screening

Main aim and purpose of the policy:	To enable employees to raise concerns in a confidential manner about matters of public interest related to the conduct of staff, managers or Governors, or the Groups practices				
Is this policy (or its constituent parts) relevant to a general equality duty? (please tick)	This policy development will assist in the elimination of unlawful discrimination and/or harassment of identified Groups?	Implementation of this policy will promote equal opportunities for identified Groups?	Implementation of this policy will promote positive attitudes and participation between Groups?	Implementation of this policy will promote good relations between Groups?	
Age	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender Reassignment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Race or Ethnicity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ Maternity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Carers/ Care givers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Persons in care	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Specify any Groups for which there is evidence or reason to believe that some Groups or individuals could be affected differently:					
None					
How much evidence is there:	None	A little	Some	A lot	
Is there any concern that the policy may operate in a discriminatory way?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	None	A little	Some	A lot	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assessed relevance to equality (tick one row only)	High	Med	Low	None	Brief reason for this assessment
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race or Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Carers/ Care givers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
What is the next step? (tick one only)	What priority level is this policy?			Has the Policy been sent for Full EQIA, or do you believe the policy should have a Full EQIA?	
	High <input type="checkbox"/>	Medium <input checked="" type="checkbox"/>	Low <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
I am satisfied that an initial screening has been carried out on this policy/procedure and a full Impact Assessment is not required					
Completed by: Moira Foster-Fitzgerald Position: Chief Group Services Officer Date: February 2019					

Whistleblowing (public interest disclosure) policy and procedure

1. Introduction

- 1.1. This policy applies to all employees of SGS College and all subsidiary companies and the senior leadership team of the SGS Group. Throughout this document, the employer will be referred to as 'the SGS Group' or 'the Group'.
- 1.2. This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998. This act inserted a section into the Employment Rights Act 1996 ('ERA') to protect workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The definition of 'protected disclosure' within the ERA was amended by the Enterprise Regulatory Reform Act 2013.
- 1.3. Whistleblowing is a specific means of disclosure of information made by an individual in the public interest where the individual reasonably believes that one or more of the following is happening now, took place previously, or is likely to happen in the future:
 - 1.3.1. a criminal offence
 - 1.3.2. a failure to comply with a legal obligation
 - 1.3.3. a miscarriage of justice
 - 1.3.4. danger to health and safety
 - 1.3.5. damage to the environment
 - 1.3.6. a deliberate concealment of information tending to show any of the above
- 1.4. This policy and procedure is available on the SGS College intranet.

2. Statement

- 2.1. This policy applies to everyone who works for the SGS Group. It does not apply to learners as they are covered by the learners' complaints procedure. It does not form part of contracts of employment and may be amended at any time.
- 2.2. Wherever the term 'employee' is used, the point applies equally to all workers for the SGS Group.
- 2.3. Employees are expected to conduct Group business with the highest standards of integrity and honesty. Employees are therefore encouraged to report any wrongdoing that falls short of these business principles. This

policy enables employees to raise concerns about the conduct of other SGS Group staff, or of Governors, or the Group's practices in a confidential manner.

- 2.4. This policy should not be used by members of staff who are unhappy about their own individual employment circumstances or how they have been treated at work. They should use the Grievance Procedure.
- 2.5. If employees are unsure whether they should raise an issue under this policy, or they need advice about how to go about it, free confidential advice is available from Public Concern at Work. This is a charity that promotes good practice and compliance with the law (see 6.5.3 below for contact details).
- 2.6. If an employee makes an allegation in the reasonable belief of public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, it is a disciplinary offence and will be dealt with under the Group's Disciplinary Procedure
- 2.7. This policy may be used for concerns about poor or unsafe practice and potential failures in the SGS Group's safeguarding regime. However, for safeguarding concerns about the conduct of another staff member or volunteer, the Safeguarding policy should be used.

3. Objectives

- 3.1. Employees may not always feel comfortable about discussing their concerns, especially if they believe that a manager within the SGS Group is responsible for the wrongdoing. The aim of this policy is to ensure that employees are confident that they can raise any matter in the knowledge that it will be taken seriously, treated as confidential (as far as is possible) and that no action will be taken against them unless the allegations are made maliciously. The policy also provides, if necessary, for such concerns to be raised outside the SGS Group.
- 3.2. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.
- 3.3. The Group has adopted this whistleblowing policy to:
 - 3.3.1. Provide a channel and a process for individual employees to raise concerns about any suspected wrongdoing they believe is occurring, has occurred or is likely to occur at work
 - 3.3.2. Make serious malpractice less likely to occur (and therefore reduce the risk of public criticism and the need for crisis management)
 - 3.3.3. Promote accountability throughout the Group

3.3.4. Reassure staff that they can raise genuine, substantiated concerns, in the reasonable belief of public interest, without fear of reprisals, even if they turn out to be mistaken

3.4. External bodies

3.4.1. The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator (or other 'Prescribed Person' as listed in the whistleblowing guidance on the GOV.UK website).

3.4.2. The Group strongly encourages staff to seek advice from Public Concern at Work (see 6.5.3 below for contact details) before reporting a concern to anyone external.

3.4.3. Whistleblowing concerns may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows individuals to raise a concern (in the reasonable belief of public interest) with a third party, where they reasonably believe it relates mainly to the third party's actions or something that is legally their responsibility. However, the Group encourages staff to report such concerns internally first. Staff should contact their line manager, or one of the other individuals set out above, for guidance.

3.4.4. It will very rarely, if ever, be appropriate to alert the media.

3.5. Confidentiality

3.5.1. SGS Group provides an open, transparent and safe environment and encourages employees to be able to speak up. Therefore, whenever any issues arise, this policy encourages employees to give their names when making allegations. Anonymous concerns will, however, be considered at the discretion of the Senior Leadership Team who will take into account:

3.5.1.1. The seriousness of the issues raised

3.5.1.2. The credibility of the concern, and

3.5.1.3. The likelihood of confirming the allegation from attributable sources

3.5.2. When reporting a concern anonymously, the person raising the concern will need to consider how they would like to receive further information or updates (if applicable). It should be noted that when making a disclosure anonymously, it may be more difficult for the person to qualify for protections as a whistleblower.

3.5.3. All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal an individual's identity if they so wish. However, some concerns may ultimately lead to further action that requires the individual to act as a witness or provide evidence. If there is evidence of criminal activity, the Police will in all cases be informed.

- 3.5.4. Individuals are encouraged to express their concern in writing (including email) wherever possible but, in the interests of confidentiality, it may sometimes be appropriate for concerns to be raised verbally.
- 3.5.5. The Group will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings, the Group will arrange for them to receive advice about the procedures involved.

4. Training

- 4.1. Managers, the Clerk to the Corporation and members of the Corporation who might be involved in investigations under the procedure will be trained in its use.

5. Related Policies, Procedures and Legislation

- Department for Education statutory guidance 'Keeping children safe in education'
- SGS Financial Regulations
- SGS Group Disciplinary Policy and Procedure
- SGS Group Grievance Policy
- Employment Rights Act 1996
- Enterprise Regulatory Reform Act 2013
- Public Interest Disclosure Act 1998
- SGS Group Safeguarding Policy and Procedure
- SGS Group Anti-Fraud, Anti-Corruption and Anti-Bribery Policy

6. Procedure

- 6.1. Reporting a concern ('disclosure'):
 - 6.1.1. In order for a disclosure to be a 'qualifying disclosure' it must provide facts and information rather than simply being an allegation. It must also relate to one of the situations listed in 1.3 above.
 - 6.1.2. Although employees are encouraged to speak up, concerns may be raised anonymously (in writing, including email to the Clerk of the Corporation) in which case, the employee should indicate by what method they would like to receive responses.
 - 6.1.3. Otherwise, in the first instance the individual should raise the issue with their line manager. They should not approach or accuse people directly or attempt to investigate the matter. Line managers may be able to agree a way of resolving the concern quickly and effectively. In some cases the line manager may refer

the matter to a member of the Senior Leadership Team or the Clerk to the Corporation.

6.1.4. However, where the matter is more serious, or the individual feels that the line manager has not addressed the concern, or the individual prefers not to raise it with them for any reason, they should contact:

6.1.4.1. any member of the Senior Leadership Team

<http://www.sgscol.ac.uk/introduce-smt/>

6.1.4.2. or the Clerk to the Corporation

<http://www.sgscol.ac.uk/govenors/>

6.1.4.3. or the Company Secretary of any subsidiary company.

6.1.5. If the disclosure relates to the Clerk to the Corporation, the individual should contact the Chair of the Corporation.

6.1.6. If the disclosure relates to a Company Secretary, the individual should contact the Chair of the subsidiary company.

6.1.7. An individual making a disclosure may invite their trade union representative to raise the matter on their behalf.

6.2. Investigation and outcome:

6.2.1. The person receiving the disclosure will acknowledge receipt in writing (may be via email) and provide an intended timetable for the investigation. They may ask another person to undertake the investigation.

6.2.2. The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

6.2.3. At any stage, the individual making the disclosure, or the person the disclosure is about, may be accompanied by a work colleague (who is not involved in the area of work to which the concern relates) or representative from one of the Group's recognised trade unions. Any companions must respect the confidentiality of the disclosure and any investigation.

6.2.4. The investigator will report their findings to the person who received the disclosure, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority (usually the Principal or Chair of the Corporation (or Managing Director or Chair of a subsidiary company)) to set up a special internal, independent investigation or reference to some external authority, such as the police, for further investigation. Concerns or allegations which fall within the

scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

- 6.2.5. At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.
- 6.2.6. Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution.
- 6.2.7. An official record will be kept of each stage of the procedure.
 - 6.2.7.1. The person deciding on the issues will report on the disclosure and subsequent actions taken
 - 6.2.7.2. This record should be signed by the Investigating Officer and the person who made the disclosure.
 - 6.2.7.3. Where appropriate, the formal record need not identify the person making the disclosure, but in such cases that person will be required to sign a document confirming that the complaint has been investigated.
 - 6.2.7.4. Such reports will be kept for 6 years by the Clerk to the Corporation.

6.3. Malicious accusations

- 6.3.1. If it becomes clear that the whistleblowing procedure has not been invoked in the reasonable belief of public interest (for example for malicious reasons, for personal gain or to pursue a personal grudge against another individual) this will constitute misconduct and will be dealt with in accordance with the terms of the Group's Disciplinary Policy and Procedure.

6.4. Protection from reprisal or victimisation

- 6.4.1. No individual will be disciplined, or suffer a detriment, for raising a genuine and legitimate concern, providing they do so in the reasonable belief of public interest and they follow these procedures.
- 6.4.2. In the event that the individual believes they are being subjected to reprisal or victimisation as a result of their decision to invoke the procedure they must inform the Head of Human Resources or

another member of the Senior Leadership Team immediately. Appropriate action will be taken to protect them from any reprisals

6.5. Further assistance for individuals

- 6.5.1. The Group will not tolerate any harassment or victimisation of individuals who make disclosures. If at any stage of this procedure an individual feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter with the Head of Human Resources.
- 6.5.2. An individual making a disclosure may want to confidentially request support from the Group's counselling service. Information can be obtained (in confidence) from the HR department.
- 6.5.3. As previously mentioned, individuals can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are available on their website www.pcaw.org.uk

Address: CAN Mezzanine
7-14 Great Dover Street
London SE1 4YR

Tel: Whistleblowing Advice Line: 020 31172520

Website: <http://www.pcaw.org.uk>