

WHISTLEBLOWING POLICY AND PROCEDURE

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LEEDS COLLEGE OF BUILDING

WHISTLEBLOWING POLICY AND PROCEDURE

1. Introduction

- 1.1 Leeds College of Building is committed to the highest standard of openness, probity and accountability and to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees (and others listed in 2.1 below) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages you to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage you to raise genuine concerns through internal College procedures without fear of reprisals, even if they turn out to be mistaken. The law allows such concerns to be raised externally and this policy informs you how they can do so. Please note, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 This policy and procedure is designed for the use of employees and others as described in 2.1 to 2.3 below.

2. Application of this policy and procedure

- 2.1 This policy applies to all employees of the College, including apprentices; casual workers; consultants; contractors; volunteers; and agency workers. For ease 'employees or you' in this document means all the categories of people listed in 2.1.
- 2.2 It is not directed at students who can instead raise genuine concerns about suspected wrongdoing by making a complaint to the Quality Improvement & Enhancement Manager.
- 2.3 You might be unsure whether it is appropriate to raise your concern under this policy and procedure or whether it is a personal grievance, which may be more appropriate to raise under the College's grievance procedure. If you are unsure, please speak to a member of the Human Resources Department in confidence for advice.
- 2.5 In addition, there are other opportunities within College where you are able to 'speak up'. These include contacting a union representative (if you are a member of a trade union) or speaking to one of the College's Staff Forum representatives. Details of these are on the College HR sharepoint site - [Staff Communication \(sharepoint.com\)](#) .

3. Protected disclosures

- 3.1 The law protects employees who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows employees to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected

disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4. Specific Subject Matter (Reasons to raise concerns)

If, during your employment at the College, you become aware of information which tends to show one or more of the following, you are strongly encouraged to use this policy (as it will be a 'protected disclosure') to raise your concern if you reasonably believe:

- a criminal offence has been committed, is being committed or is likely to be committed, for example, fraud.
- the College or an individual is breaking the law, for example, not taking out proper insurance.
- a miscarriage of justice has occurred, is occurring, or is likely to occur.
- someone's health or safety is in danger.
- there is a risk or actual damage to the environment.
- Someone is covering up a wrongdoing.

5. Procedure for making a disclosure

5.1 Information which you reasonably believe tends to show one or more of the situations given in Section 4 should promptly be disclosed to the Head of Human Resources who will ensure that any appropriate action can be taken. This may involve appointing an appropriate person to investigate the matter further.

5.2 If the matter relates to the Head of Human Resources, then the employee should raise the matter with the Vice Principal - Finance & Resources or alternatively the Principal if the matter relates to the Vice Principal – Finance & Resources In the event that the disclosure relates to the Principal an employee can raise the issue with the Chair of the Board of Governors.

5.2 You are encouraged to identify yourself when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify you of the outcome of any action. Anonymity also means that the College may have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure.
- How likely it is that the concern can be confirmed from attributable sources.

5.3 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, you should speak in confidence to a member of the Human Resources Department.

6. Procedure for investigation of a disclosure

6.1 When you make a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.

6.2 The College will carry out an initial assessment to determine the scope of any investigation. It will inform you of the outcome of its assessment. There may be circumstances where the College believes that the disclosure is wholly without substance or merit, or it is not

appropriate to carry out further investigations. If this is the case, you will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy and procedure. Considerations that will be taken into account when making this determination may include the following:

- If the College is satisfied that you don't have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

6.3 When you make a disclosure which has sufficient substance or merit warranting further action, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Office for Students (OfS), Health and Safety Executive or the Information Commissioner's Office.

6.4 If appropriate, any internal investigation would be conducted by a College manager without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate. In some cases, the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. Depending on the seriousness of the concern raised and the seniority of the employee making the disclosure, it may be appropriate for a senior manager or a designated officer, such as the Clerk of the Corporation, to investigate the concern.

6.5 Any recommendations for further action made by the College will be addressed to the Principal / Chair of the Board of Governors as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

6.6 The employee making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving you details of the investigation, or any disciplinary action taken as a result. Employees should treat any information about the investigation as confidential.

6.7 If you are not satisfied that your concern has been appropriately addressed, you can raise it with the Principal within 10 working days. The Principal will make a final decision on action to be taken and notify you.

6.8 All communications with you should be in writing and sent to your home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College should keep you updated as to the progress of the investigation and an estimated timeframe for its conclusion.

7. Safeguards for employees making a disclosure

7.1 If you make a disclosure under this procedure, you can expect the matter to be treated confidentially by the College and, where applicable, your name will not be disclosed to anyone implicated in the suspected wrongdoing, without your prior approval. For confidentiality purposes, if you wish to raise your concern verbally, it would be appropriate to let you do so.

- 7.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify you without your written consent, or unless the College is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3 No formal disciplinary action will be taken against you on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against an employee where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 7.4 You will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy and procedure. Equally, where you are threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.
- 7.5 Support for employees who raise a disclosure is available through the College's external Employee Assistance Programme, a member of the HR Team (not involved in the investigation), a union representative or staff forum representative.

8. Disclosure to external bodies

- 8.1 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.
- 8.2 The law recognises that in some circumstances it may be appropriate for you to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The College strongly encourages you to seek advice before reporting a concern to anyone external. The independent charity, [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk), operates a confidential helpline.
- 8.2 Employees may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies).

9. Accountability

- 9.1 The Head of Human Resources will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the Audit Committee on an annual basis as appropriate.

10. Further assistance for staff

- 10.1 The College will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure you feel that you are being subject to informal pressures, bullying or harassment due to making a disclosure, you should raise this matter, in writing, to the Principal.

No employees must threaten or retaliate against whistleblowers in any way and employees that are found to be involved in such conduct may be subject to disciplinary action. In some cases, employees who victimise whistleblowers can be made personally liable for their conduct and have the right to compensation in an employment tribunal.

- 10.2 An employee making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Head of Human Resources. Such a request will be treated in confidence.
- 10.3 Individuals can also contact the charity 'Protect' for confidential advice on whistleblowing issues. Contact details are as follows:

Protect
The Green House
244 – 254 Cambridge Heath Road
London
E2 9DA

Whistleblowing Advice Line: 020 3117 2520 (* option 1)

Online Advice Line : [Contact our Advice Line - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)