

WHISTLEBLOWING POLICY

Audience:	X-COLLEGE
Requirement:	ESSENTIAL
Policy Owner:	DIRECTOR OF GOVERNANCE
Review Delegation:	Corporation
Review Cycle:	Every 2 years
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THIS POLICY HAS A LINKED [PROCEDURE](#) - PLEASE CLICK HERE OR VISIT
THE PROCEDURE SECTION ON THE INTRANET

SOUTH HAMPSHIRE GROUP WHISTLEBLOWING POLICY

1.0 INTRODUCTION

- 1.1 Whilst there is no legal definition of 'whistleblowing' either within EU or UK law, the term has been established by the Nolan Committee to mean the confidential raising of problems within an organisation or within an independent review structure associated with that organisation. It is not defined in the sense of leaking information to the media.
- 1.2 Staff may be the first to realise that there may be something seriously wrong within the Group. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Group. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Group is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Corporation encourages staff and others with serious concerns about the areas outlined below to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This Policy makes it clear that staff can do so without fear of reprisals. It is also intended to encourage and enable staff to raise serious concerns within the Group rather than overlooking a problem or blowing the whistle outside.
- 1.4 The Policy applies to all groups of staff. In law, the Public Interest Disclosure Act 1998 (PIDA) provides protection to 'workers' who disclose information, in the correct manner, from dismissal or penalisation by their employers. 'Workers' has a broader definition than 'employee' and applies to individuals who:
- (l) Are employed under a contract of employment;
 - Are employed under any other contract under which they perform personally, any work or services for another party;
 - Work or worked for a person in circumstances which:
 - he/she is or was introduced or supplied to do that work by a third person, i.e. agency workers;
 - is or was provided with work experience pursuant to a training course or programme or with training for employment otherwise than:
 - under a contract of employment; or
 - By an educational establishment on a course run by that establishment, i.e. students.
- 1.5 In keeping with the spirit and letter of the law, this Policy is, therefore, intended to encompass anyone who has any kind of employment relationship with either an individual College or the Group.
- 1.6 It is understood that students may also have information which should be raised in the public interest. The procedures applying to students are described in the Complaints Policy and this Policy will not generally apply to students;

2.0 AIMS AND SCOPE OF THIS POLICY

2.1 This Policy aims to:

- Provide a process within which individual staff can raise genuine and legitimate concerns;
- Deter serious malpractice;
- Promote accountability throughout the Group.

2.2 This Policy will:

- Make it clear that malpractice is taken very seriously by the Group;
- Provide details of the process by which staff may raise concerns outside the line management structure of the Group, if appropriate and receive feedback on any action taken;
- Respect the need for confidentiality;
- Allow staff to take the matter further if they are dissatisfied with the Group's response;
- Reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.3 The Scope of this policy:

2.4 Whistleblowing refers to the disclosure of information about suspected wrongdoing that is in the **public interest**. This means the concern must go beyond personal grievances and affect others such as students, staff, the public, or the integrity of SHCG as an organisation. Concerns which may commonly give rise to whistleblowing may be something which;

- Is unlawful or
- Is against the Group's / Corporation's policies or fall below established standards or practice, or amounts to improper conduct

2.5 Types of disclosure considered under whistleblowing could include,

- a criminal offence has taken place by an individual;
- someone's health and safety is in danger;
- risk of, or actual, damage to the environment;
- a miscarriage of justice;
- the Group is breaking the law;
- someone is covering up wrongdoing;
- a breach of a legal obligation.

The above examples are not a complete list of all possible types of disclosures that could come fall under a Whistleblowing report but do offer staff some guidance of potential subject areas.

2.7 Concerns that are not whistleblowing i.e. concerns **not in the public interest**, or matters relating to an individuals own employment should be raised through other appropriate SHCG policies, concerns could be,

- a breakdown of workplace relationships;
- bullying or harassment
- discrimination
- safeguarding concerns

- 2.8 Staff are encouraged to read the SHCG Grievance Policy to determine the most appropriate course of action under which to raise a concern, or seek advice from the People & Culture Team. **Appendix A** provides some additional guidance to help employees assess the difference between a grievance and whistleblowing disclosure.

3.0 SAFEGUARDS

3.1 Harassment or Victimisation

The Group recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for malpractice. The Group will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith.

- 3.2 If a member of staff who is already the subject of disciplinary or redundancy procedures raises a concern, those procedures will not be halted as a result of whistleblowing unless the concern relates directly to some malpractice in relation to the procedure in question. In this case, the procedure for disciplinary or redundancy may be put on hold pending the outcome of the investigations into the concern;

3.3 Confidentiality

The Group will make every effort to protect an individual's identity when they raise a concern and request confidentiality. While we will do all we can to maintain anonymity, it is important to understand that the investigation process may reveal the source of the information and a statement by an individual may be required as part of the evidence.

3.4 Anonymous Allegations

This policy encourages staff to put their name to an allegation, as this can help ensure a thorough and fair investigation. However, we recognise that some individuals may prefer to remain anonymous. Anonymous concerns will still be considered and assessed carefully, although it is important to note that anonymity can limit the ability to investigate fully.

In exercising discretion of anonymous allegations, the following factors will be taken into account;

- the seriousness of the issues raised;
- the credibility of the concern, and
- The likelihood of confirming the allegation from attributable sources.

3.5 Untrue Allegations

If an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an individual makes malicious or vexatious allegations, disciplinary action may be taken against them. The PIDA protects disclosure if the worker can show one or the following:

- That a criminal offence has been committed, is being committed, or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal

- obligation to which he/she/they is/are subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
 - That the health and safety of any individual has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it;
 - That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Click here to find more information about the protection provided by [The Public Interest Disclosure Act - GOV.UK](#)

4.0 HOW TO RAISE A CONCERN

- 4.1 As a first step, staff should normally raise concerns with their immediate manager or senior manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If the concern involves line management, staff may make a direct approach to either the CEO, or Deputy CEO People & Resources. Concerns that involve either of these members of staff should be reported to the Director of Governance.
- 4.2 Whilst a verbal disclosure may occur initially, the Group strongly encourages individuals to follow up with a **written disclosure** to ensure clarity and a proper record. A dedicated whistleblowing inbox is available via the intranet at whistleblowing@shcg.ac.uk. Verbal disclosures will be acted upon, but providing a written follow-up helps us investigate thoroughly and maintain accurate documentation.
- 4.3 Where line managers receive verbal disclosures or whistleblowing allegations, they should encourage staff to submit a written follow-up to the whistleblowing inbox. If a written disclosure is provided directly to a line manager, it should be forwarded promptly to the whistleblowing inbox.
- 4.4 A disclosure should set out the background and history of the concern, giving names, dates and places where possible, the reason why they are particularly concerned about the situation and any action taken to date. The earlier a concern is expressed the easier it is to take action.
- 4.5 Although an individual is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.
- 4.6 Staff may invite a trade union, or relevant professional body/individual to raise a matter on their behalf.

5.0 HOW THE GROUP WILL RESPOND

- 5.1 An initial assessment of the disclosure will be considered within **10 working days**. This will include a 'public interest' test where SHCG will consider if this is a formal whistleblowing 'disclosure', or something that should be considered under an alternative policy or procedure. SHCG may use external 3rd parties and or take legal advice to support their decision.
- 5.2 **Within ten working days** of a concern being received, the Group will write to the individual:

- acknowledging that a concern has been raised;
- confirming (or not) SHCG's view on whether a concern is considered a formal whistleblowing 'disclosure' and signposting alternative policies where applicable
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- indicating whether any initial enquiries have been made, and
- indicating whether further investigations will take place, and if not, why not.

5.3 Where there is a difference of an opinion between SHCG and an individual in respect of whether a concern is classified as a formal disclosure (rather than a concern to be dealt with under an alternative policy or procedure) advice and guidance will be sought from a specialist 3rd party such as e.g., [PROTECT](#) (a leading whistleblowing charity who provide free advice and guidance to employers and employees)

5.4 In the event of 'disclosure', the action taken by the Group will depend on the nature of the concern and its seriousness. The matters raised may:

- be investigated internally (the Groups Financial Regulations and Anti-Fraud/Anti-Corruption Strategy and or Fraud Response plan will be used where there are concerns regarding financial irregularity or irregularity involving College/Group assets);
- be referred to the Internal Auditor;
- be referred to the External Auditor;
- be referred to the Police;
- be referred to the Local Authority Designated Officer (LADO)
- form the subject of an independent investigation;
- be referred to any other appropriate external professional or regulatory body.

5.5 In order to protect individuals and the Group, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

5.6 The amount of contact between the people considering the issues and an individual staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

5.7 When any meeting is arranged, staff have the right, if desired to be accompanied by a trade union or professional association representative or a South Hampshire College Group colleague who is not involved in the area of work to which the concern relates.

5.8 The Group will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if an individual is required to give evidence in criminal or disciplinary proceedings, the Group will provide advice about the procedure.

5.9 The Group accepts that individuals need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of investigations in a timely manner.

5.10 Any whistleblowing 'disclosures' are required to be reported to the Chair of the Audit & Risk Committee and the Chair of the Corporation. Further reporting to the Corporation may be considered if necessary.

6.0 HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This Policy is intended to provide staff with an avenue to make a whistleblowing disclosure within the Group. If an individual is not satisfied with the outcomes and feels it is right to take the matter outside the Group, the following are possible contact points:

- The Group's Internal or External Auditors;
- Relevant professional bodies or regulatory organisations; DfE, OfS
- Solicitor;
- The Police.

A member of staff taking the matter outside the Group needs to ensure that they do not disclose confidential information or that disclosure would be privileged.

For those wanting wider advice and guidance, [PROTECT](#) are a leading whistleblowing charity who provide free advice and guidance.

7.0 THE RESPONSIBLE OFFICER

The CEO has overall responsibility for the maintenance and operation of this policy, and will ensure a confidential record of disclosures and outcomes is retained and reported as necessary to the Audit & Risk Committee.

Where an individual has a concern about the CEO (or any other members of the Executive Leadership Team) the Chair, or a member of the Corporation, they should raise concerns directly with the Director of Governance.

Employee guidance - Grievance vs Whistleblowing

CONTEXT

The information below has been developed to support South Hampshire College Group employees feel confident in understanding the most appropriate pathway to either raise a grievance or raise a whistleblowing concern.

In the majority of cases, an issue will be most effectively resolved through one of these processes depending upon the nature of the issue. Occasionally however, there may be a requirement for both pathways to be followed.

The information below is a guide only and should an individual seek further clarity this can be obtained from their leader or a member of the People and Culture team or in the case of whistleblowing via discussion with the SHCG Director of Governance. Employees are advised to also seek independent advice or review additional resources provided if appropriate.

What is a grievance? And when should a matter usually be raised under the grievance policy?

A grievance is a formal way for an employee to raise a problem or concern with their employer. It is usually a process that occurs after all attempts to resolve an issue informally have (in the view of the individual) been exhausted. Raising a grievance is a formal process that usually results in an investigation and may or may not further result in disciplinary action.

Common areas of grievance may include

- A breakdown of workplace relationships
- Bullying or harassment
- Discrimination

For more information, refer to the [SHCG Grievance Policy](#) via the SHCG Intranet.

What is whistleblowing? And when should a matter usually be raised under the whistleblowing policy?

Whistleblowing is the action someone takes to report wrongdoing at work that affects others. Usually (but not always) it relates to a matter that would be of impact to the general public. Legally this is known as 'making a disclosure in the public interest'.

The categories below provide some common examples of matters that would be considered in the realm of whistleblowing. These are not comprehensive and if you are unsure, you can seek advice.

Often whistleblowing matters pertain to areas outlined below –

- a criminal offence, for example fraud
- someone's health and safety is in danger

- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing
- A breach of a legal obligation

If you believe you have reason to raise a whistleblowing matter within the workplace, you should

1. Refer to the [SHCG Whistleblowing policy](#) via the intranet
2. If you wish to proceed to raise your concern you can email a dedicated email address in confidence whistleblowing@shcg.ac.uk

The information above, is provided to support employees to make an informed decision around the differences between a grievance claim and a whistleblowing claim. As noted, this information is a guide only and each individual circumstance may need further review to determine the best course of action.

ADDITIONAL RESOURCES

These resources may provide additional information to support your understanding of the most appropriate pathway should you wish to raise a concern.

Raising a Grievance

[Step 1: Understanding the options - Formal grievance procedure - ACAS](#)

Raising a Whistleblowing complaint

[Whistleblowing for employees: What is a whistle-blower? GOV.UK](#)

Employees can also access free advice and guidance in respect of whistleblowing from [PROTECT](#) (a leading whistleblowing charity who provide free advice and guidance to employers and employees).