



**SPARSHOLT**  
COLLEGE HAMPSHIRE

**ANDOVERCOLLEGE**  
••• prepared for life

# Duty to Act (Whistleblowing) Policy and Procedure

*Integrity and Supportiveness*



With excellence in  
Environmental and Land Based Training

Recognising the best organisations  
for training and development solutions



Principal: Tim Jackson BTech (Hons), PGCE

### **Our Mission Statement**

To inspire learners to recognise and achieve their full potential

### **Our Values**

Excellence, Passion, Team Work, Integrity, Innovation,  
Sustainability, Valuing Others and Supportiveness

### **Sparsholt College Hampshire, incorporating Andover College Hampshire**

The *Duty to Act (Whistleblowing) Policy and Procedure* was reviewed and reconfirmed by the College in December 2018. This supersedes previous publications.

Equality Impact Assessment

Conducted: June 2011

Originator:

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Clerk to the Corporation

College Document Library

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# **Duty to Act (Whistleblowing) Policy and Procedure**

## *Integrity and Supportiveness*

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## **Duty to Act (Whistleblowing) Policy and Procedure**

### *Integrity and Supportiveness*

#### **1 Policy Statement**

- 1.1 Sparsholt College Hampshire (“the College”) has a commitment to the highest standards of quality, honesty, openness and accountability. Staff have an important role in helping to achieve these standards by voicing concerns when someone in the organisation appears to be doing something illegal or improper. This policy covers the reporting of any genuine concerns about suspected misconduct within the organisation. This policy applies to all permanent and short term staff, and is also extended to agency staff, external consultants, contractors and their staff whilst they are working on College business.
- 1.2 This policy exists exclusively for circumstances of concern about a risk, malpractice or wrongdoing that may affect others or the College as an organisation. Personal complaints or grievances which affect an individual are covered by the College’s Feedback Policy or Grievance Procedures. The Duty to Act (Whistleblowing) Policy and Procedure should not be used for personal complaints or grievances.
- 1.3 This policy conforms to guidance on the Public Interest Disclosure Act (PIDA), which encourages staff to raise concerns internally within their employing organisation in the first instance. The PIDA protects employees and encourages disclosures in the public interest.
- 1.4 It is impossible to give an exhaustive list of the activities covered by this policy but, broadly speaking, it is expected that the following would be reported:
- a) Criminal offences;
  - b) Failure to comply with legal or regulatory obligations, including the duty to act (eg in connection with reporting extremism and PREVENT);
  - c) Fraud and/or bribery;
  - d) Actions which endanger the health or safety of staff, or safeguarding of learners or the public;
  - e) Actions which cause damage to the environment;
  - f) Actions which are intended to conceal any of the above.
- 1.5 This policy is designed to ensure that anyone who raises a concern will not suffer any form of retribution, victimisation or harassment from anyone in the workplace as a result. Providing the concern is raised in good faith, it does not matter if it later proves to be false. Concerns may be raised in confidence under this policy and the individual’s identity will not be disclosed without their consent. Concerns raised anonymously are discouraged as this makes investigation difficult.
- 1.6 It is hoped that College staff will be reassured enough to be able to raise concerns with their manager or with a member of the Strategic Leadership Team and that

anyone raising a concern from outside the College will first approach their employer. However, the Clerk to the Corporation, who is independent of College management, may be contacted where the person wishing to raise a concern feels unable to speak to College management, or believes that a concern has not been handled properly.

- 1.7 The College will treat as a serious disciplinary matter any example of a College manager or a member of staff attempting to prevent a legitimate concern being raised.
- 1.8 In the very unlikely circumstances that anyone maliciously raises a concern that they know is untrue, the individual identity protection and confidentiality afforded by this policy will not be extended to them and, as with any false claim, the College will be obliged to deal with this as a potentially very serious offence.

## **2 Monitoring the Policy**

- 2.1 Confidential records will be kept by the Strategic Leadership Team of all matters raised through this policy. The Audit Committee will be informed annually whether any disclosures have been made during the year.

## Appendix 1

### 3 Duty to Act (Whistleblowing) Procedure for Members of College Staff

#### 3.1 How to raise a concern

3.2 The College hopes that, in the first instance, you will feel able to raise a concern with your manager. You may choose to contact a member of the Strategic Leadership Team (SLT) instead if you prefer. Contact may be in person or in writing.

3.3 If, for whatever reason, you feel you cannot speak with your manager or a member of SLT about your concern, or if you think your concern has not been handled properly, then you should contact the Clerk to the Corporation by telephone or email (details are available from College Reception, telephone 01962 776441) or by writing to Clerk to the Corporation, Sparsholt College Hampshire, Sparsholt, Winchester, SO21 2NF. The Clerk to the Corporation operates independently of the College Principal and is directly employed by the Board of Governors and, as a consequence, is independent of the College Management Team. Consequently, the College believes that, unless your concern also involves the Board of Governors, then the Clerk is well placed to listen to any concerns and to be highly confidential and trustworthy in dealing with these.

3.4 If you would like to raise the matter in confidence, please say so at the beginning so that the College can make appropriate arrangements. If the College is dealing with the matter confidentially, your identity will not be disclosed without your permission. The College prefers not to receive concerns anonymously because carrying out the investigation is much easier if you tell us who you are and the College is unable to give you feedback if you don't.

3.5 In the context of concerns regarding Safeguarding practices, College staff should use the same procedures. However, if you believe that a child or young person has been harmed by a person in a position of trust (i.e. a member of staff) and you feel unable to raise this issue with the College or you feel that your genuine concerns are not being addressed, other whistleblowing channels are available. The Local Authority Designated Officer (LADO) can be contacted direct on 01962 876364, with general guidance found at <https://www.gov.uk/whistleblowing>.

3.6 The NSPCC whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

#### 3.7 How the College will handle the matter

3.8 Once you have told us of your concern, the College will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an internal inquiry or a more formal investigation. The College will tell you who your point of contact will be and whether further assistance will be needed from you. The College may ask you how you think your concern should be dealt with. If you have a personal interest in the matter the College would ask that you tell us at the outset. Whilst the College will try to give

you as much feedback as possible, the College may not be able to give you specific details as this could infringe upon the privacy of another individual.

3.9 The College cannot guarantee to respond to all concerns in the way that you might wish, but will try to handle the matter fairly and properly.

### 3.10 **External contacts**

3.11 If you are thinking about taking a concern outside the College, you should consider whether reporting the concern externally, without first giving the College the opportunity to look into the matter, is a reasonable course of action. The College hopes this policy gives you the reassurances you need to raise concerns internally but, if you still feel uneasy, the College would rather you raised a concern with an external contact than not at all.

3.12 See 3.5 and 3.6 above for information about raising safeguarding concerns externally.

3.13 Free, confidential advice is available from Public Concern at Work. Telephone 020 7404 6609, email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) or visit [www.pcaw.co.uk](http://www.pcaw.co.uk) for further information. You may also contact your local Trade Union representative for advice.

3.14 If you feel the matter has not been resolved once this procedure has been exhausted, you may make a complaint to the Education and Skills Funding Agency. Write to ESFA (South East), Senior Account Director, Pacific House, Imperial Way, Reading, Berkshire, RG2 0TF.

## **Appendix 2**

### **4 Duty to Act (Whistleblowing) Procedure for Agency Staff, External Consultants, Contractors and their Staff whilst Working on College Business**

#### **4.1 How to raise a concern**

4.2 The College hopes that, in the first instance, you will feel able to raise a concern with your employer. If you feel unable to do so, you are advised to seek independent advice (see external contacts below).

4.3 You may also choose to contact a member of the College's Strategic Leadership Team (SLT). Details are available from College Reception (telephone 01962 776441). Contact may be in person or in writing.

4.4 If, for whatever reason, you feel you cannot speak with your employer or a member of SLT about your concern, or if you think your concern has not been handled properly, then you should contact the Clerk to the Corporation by telephone or by email (details are available from College Reception, telephone 01962 776441) or by writing to Clerk to the Corporation, Sparsholt College Hampshire, Sparsholt, Winchester, SO21 2NF. The Clerk to the Corporation operates independently of the College Principal and is directly employed by the Board of Governors and, as a consequence, is independent of the College Management Team. Consequently, the College believes that unless your concern also involves the Board of Governors then the Clerk is well placed to listen to any concerns and to be highly confidential and trustworthy in dealing with these.

4.5 See 3.5 above for safeguarding concerns relating to a member of staff.

4.6 If you would like to raise the matter in confidence, please say so at the beginning so that the College can make appropriate arrangements. If the College is dealing with the matter confidentially your identity will not be disclosed without your permission. The College prefers not to receive concerns anonymously because carrying out the investigation is much easier if you tell us who you are and the College is unable to give you feedback if you don't.

#### **4.6 How the College will handle the matter**

4.7 Once you have told the College of your concern, the College will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an inquiry or a more formal investigation. The College will tell you who your point of contact will be and whether further assistance will be needed from you. The College may ask you how you think your concern should be dealt with. If you have a personal interest in the matter the College would ask that you tell us at the outset. Whilst the College will try to give you as much feedback as possible, the College may not be able to give you specific details as this could infringe upon the privacy of another individual.

4.8 The College cannot guarantee to respond to all concerns in the way that you might wish, but will try to handle the matter fairly and properly.



## **4.9 External contacts**

- 4.10 Free, confidential advice is available from Public Concern at Work. Telephone 020 7404 6609, email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) or visit [www.pcaw.co.uk](http://www.pcaw.co.uk) for further information. You may also contact your local Trade Union representative for advice.
- 4.11 If you feel the matter has not been resolved once this procedure has been exhausted, you may make a complaint to the Skills Funding Agency. Write to Skills Funding Agency (South East), Senior Account Director, Pacific House, Imperial Way, Reading, Berkshire, RG2 0TF.
- 4.12 The NSPCC whistleblowing helpline is also available for anyone who does not feel able to raise concerns regarding child protection failures with the College. Anyone can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- 4.13 See 3.5 above for safeguarding concerns relating to a member of staff.

## Appendix 3

### 5 Duty to Act (Whistleblowing) Procedure for Managers and SLT Members

#### 5.1 How to handle concerns raised under the Duty to Act (Whistleblowing) Policy

5.2 As a manager you lead by example. Be clear to your staff what sort of behaviour is unacceptable and practise what you preach. Encourage staff to ask you what is appropriate if they are unsure before – not after – the event. If you find wrongdoing or a potential risk, take it seriously and deal with it immediately.

#### 5.3 Responding to a concern

1. Thank the individual for telling you, even if they may appear to be mistaken
2. Allay any fears raised about potential impact on the member of staff own position or career
3. Manage expectations and respect promises of confidentiality
4. Discuss reasonable timeframes for feedback with the member of staff
5. Remember there are different perspectives to every story
6. Keep a written record of the disclosure as it is made to you
7. Determine whether there are grounds for concern and investigate if necessary as soon as possible.

NB. In the context of concerns regarding Safeguarding practices, refer the matter immediately to the Designated Safeguarding Lead (DSL) or Principal, who will advise the Local Authority Designated Officer (LADO) of all cases where it is alleged that a child has been harmed by a person in a position of trust (i.e. a member of staff) **before** any investigation starts. If the allegation is against a senior member of staff and you feel unable to follow this procedure, the LADO can be contacted direct on 01962 876364

8. Consider who should handle the investigation and know when to ask for help. If the concern is potentially very serious or wide-reaching, refer the matter to the Principal for advice before proceeding to investigate
9. Always remember that you may have to explain how you have handled the concern. Keep written records as the investigation progresses
10. Feed back any outcome and/or remedial action you propose to take to the member of staff who has raised the concern but be careful if this could infringe any rights or duties you may owe to other parties
11. Put your response in writing even if you have also given verbal feedback

12. Report to the Strategic Leadership Team the outcome of any genuine concern where malpractice or a safety risk was identified and addressed.

## **Appendix 4**

### **6 Duty to Act (Whistleblowing) Procedure for the Clerk to the Corporation**

#### **6.1 How to handle concerns raised under the Duty to Act (Whistleblowing) Policy**

6.2 Concerns may be raised under the policy where a member of staff feels unable to raise the matter with their manager or a member of the Strategic Leadership Team, or where a member of staff believes that a concern raised with College management has not been handled properly.

#### **6.3 Responding to a concern**

1. Gather all the evidence available. This may involve interviewing the member of staff and any persons previously involved in dealing with the matter
2. Bring the matter to the attention of the Chairman of the Audit Committee, who will review the evidence and decide whether further investigation or action is required, if necessary using the College's Internal Audit Service or by informing the Police should criminal activity be suspected
3. Advise the member of staff, in writing to their home address, of the outcome of the review and any further action taken to resolve the issue.