

WHISTLEBLOWING POLICY AND PROCEDURE

1. Purpose

- 1.1 All institutions face the risk of things going wrong or of unknowingly harbouring malpractice. DN Colleges Group and all of its subsidiaries take malpractice very seriously and we are committed to conducting our organisation with honesty and integrity and we expect all staff to maintain high standards too. We encourage open communication from all those who work for us and we want everyone to feel secure about raising concerns.
- 1.2 All workers have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection. It does not matter if an individual who raises a concern is mistaken about it—staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.

2 Scope

- 2.1 This policy applies to all DN Colleges Group and all of its subsidiaries' staff, officers, consultants, employees of subcontractors and to other workers including agency workers, casual workers, volunteers, apprentices, and home workers.
- 2.2 This policy does not form part of any contract of employment and we may amend it at any time.

3 Responsibilities

- 3.1 Lead Assessor: Clerk to the Corporation
Designated Assessors: Chief Operating Officer- People and information
Director of Human Resources

4 Definitions and/or Relevant Legislation

- 4.1 The law (Public Interest Disclosure Act 1998) protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 4.2 The law allows workers to raise what it defines as a 'qualifying disclosure'. In order to be a qualifying disclosure, a disclosure must relate to a specific subject matter (See clause 5.1 below) and the disclosure must also be made in an appropriate way (See clause 6 below). A 'qualifying disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A qualifying disclosure must consist of information and not merely be allegations of suspected malpractice.

5 The Policy

5.1 Disclosures covered by this policy

Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the activities the Group and its subsidiaries undertake. A “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the discloser, tends to show one or more of the following:

- that a criminal offence has been committed, is being committed or is likely to be committed (including those in relation to fraud, bribery and corruption and tax evasion facilitation),
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- 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.

5.2 When to use this policy

There is a difference between whistleblowing and raising a grievance:

- whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens students, staff, third parties or the public generally; but
- a grievance is a complaint that generally relates to an individual’s own employment position or personal circumstances at work.

This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use our Staff Grievance Procedure in the first instance.

5.3 Safeguards

DN Colleges Group and its subsidiaries are committed to the principles set out in this policy. If you use this policy to raise a concern, we give you our assurance that you will not suffer any form of retribution or detrimental treatment. We will treat your concern seriously and act according to this policy.

If you ask for a matter to be treated in confidence, we will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with your consent.

6 The Procedure

6.1 Procedure for Disclosing a Concern

If you are concerned about any form of malpractice covered by this policy, you should normally raise the issue in the first instance with a Designated Assessor (see clause 3.1 above). If you feel you cannot tell one of the Designated Assessors, for whatever reason, you should raise the issue with the Lead Assessor, Clerk to the Corporation. If your concern relates to the Clerk to the Corporation, you should contact the Chair of the Corporation Board. The Chair can be contacted, in writing, via the Principalship office, Doncaster College.

A concern can be disclosed by telephone, in person or in writing. Although it is preferable if it is made in writing. Were a concern is disclosed verbally a full note (which need not identify the Discloser) will be made by the person hearing the concern. Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide, as a minimum, details of the nature of the concern and why you believe it to be true, and the background and history of the concern (giving relevant dates where possible).

You may wish to consider discussing your concern with a colleague or member of the HR Team before raising it formally under this policy but remember that once you have raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

6.2 Responding to Disclosures

We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. If appropriate, we will arrange a meeting as soon possible to discuss the concern raised. You may bring a colleague or trade union supporter to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.

After receiving all available information, we will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. We will endeavour to complete investigations within a reasonable time.

We will keep you informed of the progress of the investigation carried out, when it is completed and give you an indication of timings for any actions or next steps that we will take, but we cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

6.3 Confidentiality

All disclosures will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

We hope that all staff will feel able to voice their concerns openly under this policy. Although a concern may be raised anonymously, we encourage you give your name when reporting your concern whenever possible. If this is not done, it will be much more difficult for us to

protect your position or to give feedback on the outcome of investigations. Concerns that are expressed completely anonymously are also much less powerful and are difficult to investigate.

6.4 **Protection and support for those raising concerns**

We are committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If you believe that you have suffered such treatment, you should inform the Clerk to the Corporation or the Director of HR. If the matter is not dealt with to your satisfaction, you should raise it formally using our Staff Grievance Procedure.

No member of staff must threaten or retaliate against an individual who has raised a concern and we will not tolerate any such harassment or victimisation. Any person involved in such conduct will be subject to disciplinary action.

To ensure the protection of all our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest may also be liable to disciplinary action.

6.5 **Raising your concern externally (exceptional cases)**

The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. We would expect that in almost all cases raising concerns internally would be the most appropriate course of action.

If for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator (e.g. Ofsted/Department for Education/Education and Skills Funding Agency) or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect (formerly known as Public Concern at Work).

We strongly encourage any individual to seek appropriate advice before reporting a concern to anyone external. Protect is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and operate a confidential helpline.

<https://protect-advice.org.uk/>

Further information and contacts

Further information and contacts below and on the GOV.UK website at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Relevant regulators may include:

Name of regulator	Contact details
His Majesty's Chief Inspector of Education, Children's Services and Skills	The Chief Inspector Ofsted Piccadilly Gate

	<p>Store Street Manchester M1 2WD</p> <p>Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk</p>
Secretary of State for Education/Education and Skills Funding Agency	<p>Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD</p> <p>Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe</p>
The Health and Safety Executive	<p>Tel: 0300 003 1647 Online form: www.hse.gov.uk/contact/concerns.htm</p>

7 Relevant Policies and Procedures

7.1 The policy is relevant to all the Group's policies and procedures.

8 Who to Contact with Queries

8.1 If you have any queries about the application of this policy and procedure, please contact the Clerk to the Corporation (Lead Assessor) Sharon Harmon

Email: sharon.harmon@dncolleges.ac.uk
Tel: 01302 553503

9 Communication

9.1 The Whistleblowing Policy and Procedure will be shared with all staff and put on the individual college's intranet sites and websites.

10 Authorisation

Policy Holder: Clerk to the Corporation
Corporation Board Approval: 25 March 2024
Next Review Date: March 2027