



# **Whistle Blowing Policy**

## **Polisi Chwythu'r Chwiban**

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If you or someone you know would like this document in Welsh or an alternative format please contact the HR Unit at [hr@nptcgroup.ac.uk](mailto:hr@nptcgroup.ac.uk) or on 01639 648308.

## Section 1: Context

- 1.1 We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The aims of this policy are:
- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
  - (b) To provide staff with guidance as to how to raise those concerns;
  - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.3 Should any user require assistance with understanding or implementing this policy, particularly where the reasons for this are related to age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation they should contact the HR Unit in the first instance for advice.

## Section 2: Status

- 2.1 The policy and procedures were considered and approved by the Senior Management Team (SMT) of the NPTC Group of Colleges on 18.05.16. It was approved by the Joint Information and Consultative Committee (JICC) at a meeting held on 27.01.16.
- 2.2 The policy and procedures have been reviewed by the Vice Principal: Corporate Services in conjunction with the Vice Principal: Financial Services and the Assistant Principal: Governance and was approved by SMT on 04.07.18 and at the JICC meeting held on 26.09.18.
- 2.3 The policy and procedures have been reviewed by the Vice Principal: Corporate Services in conjunction with the Vice Principal: Financial Services and the Assistant Principal: Governance and was approved by SMT on 18.09.19 and at the JICC meeting held on 16.10.19
- 2.4 The policy has undergone Equality and Linguistic Impact Assessment, a copy of which is attached as Appendix I.

## Section 3: Policy

### 3.1 Scope

- 3.1.1 This policy covers all employees, officers, Corporation Board members, consultants, contractors, volunteers, interns, casual workers and agency workers.
- 3.1.2 This policy does not form part of any employee's contract of employment and we may amend it at any time.

### 3.2 General Principles

- 3.2.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
- (a) criminal activity;
  - (b) failure to comply with any legal or professional obligation or regulatory requirements;
  - (c) miscarriages of justice;
  - (d) danger to health and safety;
  - (e) damage to the environment;
  - (f) bribery under our Anti-corruption and Bribery Policy;
  - (g) financial fraud or mismanagement;
  - (h) negligence;
  - (i) breach of our internal policies and procedures;
  - (j) conduct likely to damage our reputation or financial wellbeing;
  - (k) unauthorised disclosure of confidential information;
  - (l) the deliberate concealment of any of the above matters;
  - (m) mismanagement of personal data.
- 3.2.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.
- 3.2.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or Anti-harassment and Bullying Policy as appropriate.
- 3.2.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Assistant Principal: Governance, whose contact details are at the end of this policy.

### 3.3 Accountability and Responsibility

- 3.3.1 The Corporation Board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

- 3.3.2 The Assistant Principal: Governance, in conjunction with the HR Unit, has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 3.3.3 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Assistant Principal: Governance.

## **Section 4: Procedure**

- 4.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Assistant Principal: Governance.
- 4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- (a) The Assistant Principal: Governance ;
  - (b) The other trusted individual - Vice Principal: Corporate Services.

Contact details are set out at the end of this policy.

- 4.3 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a work colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter at the meeting.

### **Confidentiality**

- 4.5 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 4.6 We will receive disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come

forward to the Assistant Principal: Governance or one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

### **Investigation and Outcome**

- 4.7 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 4.8 In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 4.9 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 4.10 If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

### **If you are not satisfied**

- 4.11 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 4.12 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively you may contact the Chair of the Board of Governors or our external auditors. Contact details are set out at the end of this policy.

### **External Disclosures**

- 4.13 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 4.14 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a

list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

- 4.15 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier, learner or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

### **Protection and Support for Whistleblowers**

- 4.16 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 4.17 With the exception of 4.10, whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Assistant Principal: Governance immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 4.18 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

### **Contacts**

4.19

<b>Assistant Principal: Governance</b>	Gemma Charnock 01639 648005 Gemma.charnock@nptcgroup.ac.uk
<b>Other Trusted Individual</b>	Catherine Lewis 01639 648003 Catherine.lewis@nptcgroup.ac.uk
<b>Chair of the Board of Governors</b>	Gaynor Richards 01639 620849 gaynorr@nptcvs.org.uk
<b>External auditors</b>	PwC 01792 634122 jonathan.d.bound@uk.pwc.com

<b>Public Concern at Work</b> (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>
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## **Section 5: Monitoring**

- 5.1 The Policy and Procedure are to be monitored by the HR Manager in conjunction with the Assistant Principal: Governance and Vice Principal: Corporate Services.

## **Section 6: Review**

- 6.1 The Policy and Procedure are to be reviewed by the HR Manager in conjunction with the Assistant Principal: Governance and Vice Principal: Corporate Services.
- 6.2 The policy will be reviewed bi-ennially.
- 6.3 The next date for review is September 2021.





## Equality and Linguistic Impact Assessment & Screening Document

This document is used to record the assessment of whether or not a policy, practice or provision - or a change to them - will have a negative or positive impact on the equality of a protected characteristic or on the use of the Welsh Language.

### Stage 1 – Initial Screening

Firstly consider what item is being assessed and what is its purpose?

Using the boxes below, provide a description of the policy, practice or provision being assessed with a short statement about what the item is intended to achieve (its aims and objectives) and who is affected, eg staff, students, parents/carers, partners, etc.

<b>Description of item:</b> Whistleblowing Policy
<b>Aims &amp; objectives:</b>  To provide a legal mechanism for staff to report wrongdoing under the Public Interest Disclosure Act.
<b>Those affected – eg staff, students, parents, partners etc :</b> Staff

Considering the item being assessed, use the boxes below to record your initial thoughts on the possible consequences for the nine protected characteristics and the use of the Welsh Language.

Protected Characteristic	Potential impact <b>positive or negative</b>
<b>Sex</b> Also called gender, means a man or a woman	Positive
<b>Race</b> Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins	Positive

Protected Characteristic	Potential impact <b>positive or negative</b>
<b>Age</b> Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages	Positive
<b>Gender Re-assignment</b> The process of transitioning from one gender to another	Positive
<b>Sexual Orientation</b> Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	Positive
<b>Religion &amp; Belief</b> Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.	Positive
<b>Pregnancy &amp; Maternity</b> Pregnancy is when expecting a baby, Maternity refers to period after the birth	Positive
<b>Marriage &amp; Civil Partnership</b> Marriage - between same or opposite sex couples, Civil Partnership - between same sex couples	Positive
<b>Disability</b> Any long term condition that effects day to day activity. Conditions include hearing, visually & physical impairment, learning disability, mental health, cancer, HIV & MS	Positive

Welsh Language	Potential impact <b>positive or negative</b>
<p>The Welsh Language (Wales) Measure 2011 establishes equal rights for Welsh speakers, based on the principles</p> <p>In Wales, the Welsh language should be treated no less favourably than the English language &amp; persons in Wales should be able to live their lives through the medium of Welsh if they choose</p>	Positive
<b>Explanation – if appropriate</b>	
<b>Priority Level: high/medium/low</b> High	

## Stage 2 – Analysis

Based on the screening process above you will need to carry out analysis to verify your initial decision. Below you need to show what equality and linguistic analysis has been done on this item? List the evidence, data or sources used to analyse the impact of this item. (include any, data, reports, surveys or web links utilised in the process)

Protected Characteristics	Data Source & Findings
<b>Sex</b>	Practical application of the Policy in its previous format and its impact on the protected characteristics and the Welsh language.
<b>Race</b>	
<b>Disability</b>	
<b>Sexual Orientation</b>	
<b>Age</b>	

<b>Pregnancy &amp; Maternity</b>	
<b>Marriage &amp; Civil Partnership</b>	
<b>Religion &amp; Belief</b>	
<b>Gender Re-assignment</b>	
<b>The Use of the Welsh Language</b>	<b>Data Source &amp; Findings</b>
<b>Welsh</b>	

### Stage 3 – Engagement/Consultation & Assessment

Following your analysis, you now need to record how you have assessed the item and who was engaged in the process. How was an assessment of the equality and linguistic impact reached, who was involved in the decision?

<b>Group impacted</b>	<b>Nature of positive and/or negative impact or explanation for no identified impact</b>
<b>Sex</b>	Discussions with the HR team.
<b>Race</b>	Discussions with the HR team.
<b>Disability</b>	Discussions with the HR team.
<b>Sexual Orientation</b>	Discussions with the HR team.
<b>Age</b>	Discussions with the HR team.
<b>Pregnancy &amp; Maternity</b>	Discussions with the HR team.
<b>Marriage &amp; Civil Partnership</b>	Discussions with the HR team.
<b>Religion &amp; Belief</b>	Discussions with the HR team.
<b>Gender Re-assignment</b>	Discussions with the HR team.
<b>Welsh</b>	Discussions with the HR team.

### Stage 4 – Mitigation & Changes

Finally, detail what changes have been made or are scheduled for change following the assessment & engagement to reduce or eliminate any adverse impact?

Impact	Possible change	Recommended & actioned
Readability issues	Formatted in line with publication guidelines	completed
Accessibility	Improved contact details and methods of contact	Completed

#### Statement of justification and mitigation **where negative impact cannot be avoided**

N/A

#### Record of Evidence

##### 1. Consultation

What consultation has taken place? (state when and who with)

Consultation process	Findings

##### 2. Publication

When will the E&LIA be published?

**Date and method:**

**As an appendix to the policy**

### 3. Monitor & Review

How will this item be reviewed & monitored

**Lead person or group responsible and review dates :**

**Assistant Principal: Governance**

**Checklist**

- Has the alternative format statement been included at the start of the policy document?  
If you or someone you know would like this document in an alternative format please contact the HR Unit at [hr@nptcgroup.ac.uk](mailto:hr@nptcgroup.ac.uk) or on 01639 648308.
- Has the document been formatted in line with NPTC Group publication guidelines and policy template?
- Has the Equality & Diversity paragraph been included at the end of section 1 for all policies?  
If any member of staff requires assistance with understanding or implementing this policy, particularly where the reasons for this are related to disability, religion or belief, sex, gender reassignment, sexual orientation, pregnancy or maternity, age or race they should contact the Senior Officer: Diversity Officer, in the first instance for advice.
- When you have completed the paperwork please ensure it is added as an appendix to the relevant policy or procedure
- Any questions? please contact the HR Unit on 01639 648308 or by email [hr@nptcgroup.ac.uk](mailto:hr@nptcgroup.ac.uk)

**Signature of Assessment Manager & other staff completing ELIA**

Name (s) – please print

Catherine Lewis  
Vice Principal: Corporate Services

Lesley Blower  
Senior Officer: Diversity



Signature (s)

Date 23.08.2016