



1 Authority & Context

- 1.1 This confidential reporting policy is intended to provide guidance to staff to enable them to raise serious concerns. The College wishes to encourage and enable colleagues to do so internally, rather than ignoring a problem or "blowing the whistle" externally.
- 1.2 This policy document makes it clear that individuals may voice concerns without fear of victimisation, subsequent discrimination, or disadvantage, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- 1.3 This document reflects the requirements of the Public Interest Disclosure Act 1998 (widely referred to as the Whistleblowers' Act) ("the Act") which came into force in 1999. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.4 The document should be read in conjunction with other College policies and procedures, particularly those listed within section 6.

2 Scope

- 2.1 This policy applies to all "workers" of the College in respect of "protected disclosures" under the Act. (See paragraphs 2.4 to 2.6). Workers include all employees, officers, consultants, casual workers, agency workers, volunteers, and any person working for any of our contractors where work is determined by the College.
- 2.2 This policy is not directed at students; they may raise genuine concerns about suspected wrongdoing by making a complaint in the first instance to Student Services under the Complaints Handling Procedure. The policy does not apply to members of the general public; they are able to raise their concerns in line with the College's Complaints Handling Procedure.
- 2.3 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows workers to raise what it defines as a "protected disclosure". In order to be a protected disclosure, it must relate to a specific subject matter and must be made in the appropriate way. It must, in the reasonable belief of the worker making it, be made in the public interest. It must consist of information and not merely be allegations of suspected malpractice.
- 2.4 Protected Disclosures
 - 2.4.1 A worker may seek to raise concerns relating to suspected wrongdoing or danger affecting any of the College's activities. This policy will apply where one or more of the following applies:-
 - A criminal offence has been or is likely to be committed;
 - A person has failed, is failing or is likely to fail to comply with a legal obligation;
 - A miscarriage of justice has occurred, is occurring, or is likely to occur;
 - The health and safety of any individual has been, is being, or is likely to be jeopardised;
 - That the environment has been, is being, or is likely to be damaged; and/or
 - That information intending to show any matter falling within the above categories has been, is being, or is likely to be deliberately concealed.

2.4.2 Public Interest

2.4.2.1 It must also be in the public interest for the disclosure to be a protected disclosure (e.g. seeking to advance personal grievances would not be seen as in the public interest). This policy should not be used where staff wish to raise complaints about their own personal circumstances such as the way they have been treated at work. In those circumstances, they should use the College's Grievance Procedure.

2.4.3 It is not a protected disclosure if the disclosure is itself an offence.

2.4.4 The College is only able to address under this policy, protected disclosures which relate to it or to persons in respect of whom it has a legal responsibility (e.g. its staff members). For the avoidance of doubt, this policy is not intended to provide a forum to question operational decisions taken by the College in its ordinary course of business or to review decisions taken under other policies and procedures of the College.

2.5 If a complaint relates to a staff member's personal circumstances but they also have wider concerns regarding one of the areas as set out at paragraph 2.5 above, they should discuss with the College's Clerk to the Corporation which route is the most appropriate.

2.6 If a member of staff member (or other worker) is uncertain whether something is within the scope of this policy, they should seek advice from the College's Clerk to the Corporation (contact details can be found at the end of this policy.)

3 Policy Content

3.1 The Public Interest Disclosure Act 1998

3.1.1 The law is intended to encourage 'workers' to raise their concerns in a responsible way where there is a practice within an organisation which relates to any of the matters listed in paragraph 2.5 above.

3.1.2 If workers do raise such concerns, they will be protected from subsequent victimisation, unfair dismissal, redundancy and detriment as a result of making their protected disclosure, provided that their case falls within the detailed criteria in the Act. These criteria include that the person making the disclosure ("the Discloser") must reasonably believe the disclosure to be true.

3.1.3 The law encourages workers to raise their concerns internally. If a worker does not want to make a disclosure internally, they may make a disclosure to a legal adviser of their choice, or prescribed bodies prescribed ([Prescribed People and Bodies](#)) and still get protection from the Act. Disclosures to other persons or organisations do not give the protections of the Act and may be viewed by the College as breach of contract or duty.

3.2 This policy aims to:

- Encourage staff (or other workers) to feel confident in raising concerns and to question and act upon concerns about practice;
- Provide avenues for staff (or other workers) to raise those concerns and receive feedback on any action taken; and
- Reassure staff (or other workers) that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a protected disclosure.

3.3 There are existing procedures in place to enable staff members (or other workers) to lodge a grievance relating to their own employment or where they feel that they have been unfairly treated. Additionally, the College has recognition agreements with UCU, Unison and NEU and there are procedures in place for the resolution of collective concerns / disputes. Those disputes and matters

should follow those policies and procedures.

- 3.4 In some cases, staff may be able to and should raise their concerns with their line manager. Staff may tell them in person or put the matter in writing if they prefer. They may be able to agree a way of resolving their concern quickly and effectively. In some cases, they may refer the matter to the Clerk to the Corporation.
- 3.5 If a member of staff (or other worker) is of the view that all internal, informal and formal avenues have been exhausted or that no appropriate avenue exists to address the concern in question, a disclosure should, subject to this policy, be made to the Clerk to the Corporation either verbally or in writing.
- 3.6 The College does not encourage staff members (or other workers) to make disclosures anonymously. Concerns expressed verbally and/or anonymously are less powerful but may nevertheless be considered at the discretion of the Clerk to the Corporation taking into account: (i) the seriousness of the issues raised; and (ii) the credibility of the concern; and (iii) the likelihood of confirming the allegation from alternative sources. Staff members (or other workers) should be aware that proper investigation may be more difficult or impossible if the College is unable to obtain further information from members of staff (or other worker). 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 raise with the Clerk to the Corporation and appropriate measures can be taken to preserve confidentiality. If in doubt, advice is available from Protect, the independent whistleblowing charity, who offer a confidential helpline. More information is available on their website: <https://protect-advice.org.uk/>

3.7 Reporting Process

- 3.7.1 The Clerk to the Corporation will arrange a confidential meeting with the Discloser as soon as is reasonably practicable to discuss their concern (normally within five working days of initial contact). The Discloser may bring a work colleague or trade union representative to any meeting under this policy to offer support. The colleague / representative must respect confidentiality.
- 3.7.2 The Clerk to the Corporation will immediately inform the Principal / CEO and Chair of the Board of Governors unless either is the subject of the disclosure in which case the other only should be informed; or if both are subjects of the disclosure the Chair of the Audit committee should be informed.
- 3.7.3 The Discloser will not be expected to prove the truth of any allegation. However, sufficient information and prima facie evidence should be contained in the disclosure to demonstrate that reasonable grounds for the allegation exist. Unsupported or bare allegations are difficult to investigate and the College is likely to place significantly less credibility on them, and even more so if they are made anonymously.
- 3.7.4 In all cases involving financial malpractice or impropriety, the Clerk to the Corporation will act in close consultation with the Principal / CEO who is the Accounting Officer responsible for the College's public funding (or if the Principal / CEO is the subject of the relevant disclosure then the Chair of the Board of Governors, or if both are involved then the Chair of Audit).
- 3.7.5 In any case in which the Clerk to the Corporation is the subject of a disclosure or wishes to make one, disclosure should be made to the Principal / CEO. If the latter is also involved disclosure should be made to the Chair of Governors. If both are involved the disclosure should be made to the Chair of the Audit Committee.

3.8 Investigative Process

- 3.8.1 The College hopes that staff (or other workers) will feel able to voice whistleblowing concerns openly under this policy. All concerns will initially be treated confidentially and every effort will be made not to reveal the identity of the Discloser who will not be required without their written consent to participate in any enquiry or investigation unless there are grounds to believe that they may have been involved in misconduct or malpractice. However, it must be understood that the success of internal investigations, disciplinary proceedings and criminal prosecutions may be dependent on the willingness of disclosers to participate.
- 3.8.2 The Clerk to the Corporation (or other investigating officer under this policy) will not reveal the identity of the Discloser without their permission unless: (i) they are under legal obligation to do so; or (ii) the information is already in the public domain; or (iii) on a strictly confidential basis where administrative support is required in the context of preparation of reports / investigation support; (iv) on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining advice; (v) they form the opinion that the disclosure is deliberately untrue, vexatious and/or malicious.
- 3.8.3 The Clerk to the Corporation (or investigating officer under this policy) will acknowledge receipt of the disclosure, will consider the information contained within the disclosure and determine whether prima facie the disclosure properly falls for consideration within the terms of this policy and procedure, or whether the matter should more appropriately be considered through other existing approved procedures.
- 3.8.4 In making this determination, the Clerk to the Corporation (or other investigating officer under this policy) may take such advice or consult with senior colleagues and/or external legal advisors and make such preliminary enquiries as may be necessary.
- 3.8.5 Having determined that the matter disclosed is properly a matter for consideration within this policy and procedure, the Clerk to the Corporation (or other investigating officer under this policy) shall determine whether to:
- 3.8.6 call for the matter to be investigated internally;
- 3.8.7 refer the matter to the police;
- 3.8.8 and/or call for an independent enquiry.
- 3.8.9 In some cases, a disclosure might be addressed by agreed action and/or preliminary enquiries without the need to instigate an investigation. In determining the above, the Clerk to the Corporation (or other investigating officer under this policy) may take such advice or consult with senior colleagues and/or external legal advisors and make such preliminary enquiries as may be necessary.
- 3.8.10 If a disclosure is to be referred to the police, the College will co-operate fully with the police in the course of police enquiries and any action under these procedures will be suspended pending the completion of the police enquiries.
- 3.8.11 If a disclosure is to be referred to an independent enquiry, internal investigation other than as part of such enquiry will normally be suspended, pending completion of such independent enquiry.

3.8.12 If a disclosure is to be the subject of internal investigation, the Clerk to the Corporation (or other investigating officer under this policy) will determine who should undertake the investigation and its terms of reference. Internal Audit would normally be instructed to investigate disclosures relating to financial malpractice or impropriety and in all cases of alleged fraud the Clerk to the Corporation will liaise with the Director of Finance and the Principal / CEO.

3.8.13 In other cases, the investigation should be carried out by a senior member of staff independent of the area in which malpractice or impropriety is alleged to have occurred. In all cases, no one having any part to play in reaching a decision on any matter raised through disclosure shall take any part in investigating matters contained in the disclosure.

3.9 Initial Action and Feedback

3.9.1 The Clerk to the Governors (or other investigating officer under this policy) will, as soon as is reasonably practicable, inform the Discloser what action, if any, is to be taken.

3.9.2 If no action is to be taken, the Clerk to the Corporation (or other investigating officer under this policy) will inform the Discloser of the reason in writing. In such event, the Discloser may request the Chair of the Corporation (or the Chair of the Audit Committee if the subject of the disclosure is financial malpractice or impropriety) to review the disclosure and the reasons given for not taking further action. The Chair of the Corporation (or of the Audit Committee, as the case may be), whose decision will be final, will either confirm the decision that no further action be taken, or determine what further action is to be taken and through what process.

3.9.3 Where a decision is made to conduct an internal investigation into a disclosure, the person(s) against whom the disclosure is made shall be provided with details of the disclosure and any supporting evidence supporting by the Clerk to the Corporation (or other investigating officer under this policy), and shall have the opportunity to make a full response during the course of the investigation. No investigation shall be concluded or action taken without the person against whom the disclosure is made having had the full right of response. Normal rights of representation will apply to all parties during the course of such internal enquiries. In cases where the person against whom the enquiry is made is at potential risk of criminal prosecution, the right to professional legal representation will apply.

3.9.4 In the event of a decision to call for an independent enquiry, the person against whom the allegation is made will be provided with details of the disclosure and any evidence supporting it by the Clerk to the Corporation (or other investigating officer under this policy).

3.9.5 In the event of a decision to refer the matter directly to the police, it will be a matter for the police to decide what information is shared with the person against whom the allegation is made.

3.9.6 The College will aim to keep the person making the disclosure informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the College from giving the person making the disclosure specific details of the investigation, an outcome or any disciplinary action taken as a result. The Discloser should maintain confidentiality.

3.10 Subsequent action

- 3.10.1 Upon completion of an investigation (however conducted), a written report will be submitted by the Clerk to the Corporation (or other investigating officer under this policy) to the Principal / CEO (or if the Principal / CEO is the subject of the disclosure then to the Chair of Corporation or if both are involved to the Chair of Audit) who will determine what action, if any, should be taken in the circumstances. This might include the invoking of other approved College procedures such as disciplinary, grievance or complaint and harassment procedures, or reference to an appropriate external authority. While the College cannot always guarantee the outcome that the Discloser is seeking, the College will try to address their concern fairly and appropriately. By using this policy, staff members can help the College to achieve this.
- 3.10.2 If the person making the disclosure is not happy with the way in which their concern has been handled, they can raise it with one of the other key contacts as set out at the end of this policy. Alternatively, they may contact the Chair of the Audit Committee.

3.11 Protection of Involved Parties

- 3.11.1 The College recognises that the decision to make a disclosure can be a difficult one. However, if this is done in good faith and is based on genuine belief of malpractice, staff have nothing to fear. Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern. If a person making a disclosure believes that they have suffered any such treatment, they should inform the Clerk to the Corporation, the Director of Human Resources and Organisational Development, or their line manager immediately. If the matter is not remedied the person making a disclosure should raise it formally using the College's Grievance Procedure.
- 3.11.2 Staff members must not threaten or retaliate against whistleblowers in any way. If a staff member is involved in such conduct they may be subject to disciplinary action.
- 3.11.3 Conversely the College has an obligation to protect its staff and other parties from deliberately untrue, vexatious and/or malicious disclosures. Where there are reasonable grounds to believe that this is the case or where an external disclosure is made in breach of these procedures without reasonable grounds or otherwise than to an appropriate regulatory body, the College reserves the right to initiate disciplinary procedures or other appropriate action.

3.12 Summary

- 3.12.1 Staff members (or other workers) should use this policy in a responsible manner; it exists to enable individuals to raise serious concerns about malpractice and should not be used for trivial, frivolous or vexatious concerns. Equally, it should not be used to address issues which could more effectively be addressed by informal discussion or through formal procedures already in existence.
- 3.12.2 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, staff members (or other workers) should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for a staff member (or other worker) to report their concerns to an external body such as a regulator. It will rarely ever be appropriate to alert the media. The College strongly encourages the staff member (or other worker) to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, 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.

3.12.3 Whistleblowing concerns usually relate to conduct of other staff members, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances, the law will protect a staff member (or other worker) if they raise the matter with the third party directly. However, the College encourages staff members to report such concerns internally first, in line with this policy. Staff members (or other workers) should contact their line manager or one of the other individuals set out at the end of this policy for guidance.

4 Accountabilities

- 4.1 The Governors have overall responsibility for the effective operation of this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 4.2 The Clerk to the Corporation has day to day operational responsibility for this policy and you should refer any questions about this policy to them in the first instance.
- 4.3 The Principal / CEO is responsible for ensuring any appropriate action is taken where concerns are raised.
- 4.4 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 Clerk to the Corporation in the first instance.

5 Associated Documentation / Information

5.1 Internal Contact Information

Chair of the Corporation	Janet Frost (Janet.Frost@oldham.ac.uk)
Principal / CEO	Simon Jordan (Simon.Jordan@oldham.ac.uk)
Chair of the Audit Committee	David Kay (Janet.Frost@oldham.ac.uk)

5.2 Helpful External Contact Information

- 5.2.1 Staff members (and other workers) are encouraged to seek advice and/or raise their concerns internally in the first instance. However, they may make a disclosure to a legal adviser of their choice, or prescribed bodies ([Prescribed People and Bodies](#)). The list of prescribed people and bodies can be found on the Government's website: ([Prescribed People and Bodies](#))
- 5.2.2 The NSPCC Whistleblowing Helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 from 8.00am – 8.00pm, Monday – Friday. Alternatively, it is possible to email: help@NSPCC.org.uk Full details can be found on the NSPCC website here: [Whistleblowing Advice Line | NSPCC](#)
- 5.2.3 Protect is a whistleblowing charity and is available to provide support to those in need. Individuals should call 020 3117 2520 or visit the website to complete a webform. Full details can be found of the website here: <https://protect-advice.org.uk/>

6 Related Policies and Procedures

- Safeguarding Policy
- Grievance Policy
- Complaints Handling Policy

7 General Data Protection Compliance

	Confirm (x)	Date Reviewed	Reviewer
No personal subject data is placed at risk by implementing this Policy.			
Personal subject data is placed at risk by implementing this Policy but safeguards are in place to mitigate this.	X	19 November 2024	Claire Symons
Personal subject data is placed at risk by implementing this Policy and it is unknown if safeguards are in place to mitigate this			

Change History Record

Issue	Description	Approval (author signature)	Date of Issue
Draft 1.0	New policy document – adapted from the previous Whistleblowing Procedure.	Nick Middleton	06.12.24
Version 1.0	Approved Governors 17.12.24	Nick Middleton	08.01.25