

EMPLOYMENT POLICY: WHISTLEBLOWING POLICY

This policy is biennially reviewed to ensure compliance with current regulations

Approved/reviewed by	
Executive Director: People	
Date of next review	Feb 2025

This policy and procedure is subject to The Equality Act 2010 which recognises the following protected characteristics: age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation, and disability.

1. Document Control

1.1. Document Details

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1.2. Revision History

Version	Date	Author	Comments
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1.3. Distribution

Name	Email	Organisation
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1. Introduction

- 1.1 Boston College (the “College”), is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide information about how genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings can be raised.
- 1.2 The College encourages genuine concerns about suspected wrongdoing to be raised at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.
- 1.4 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.

2. Applicability of this policy and procedure

- 2.1 This policy applies to all employees, officers, consultants, contractors, casual workers, and agency workers (referred to as ‘workers’ within this policy and procedure). It is not directed at learners, who can instead raise genuine concerns about suspected wrongdoing by making a complaint to the Assistant Principal: Quality, Performance & Standards.
- 2.2 Any worker who is unsure about whether to raise their concern under this policy or as a personal grievance under the College’s grievance procedure is encouraged to approach the Executive Director: People, in confidence for advice.
- 2.3 Where there is an issue relating to safeguarding a young person and/or vulnerable adult, the safeguarding team should be contacted. The designated manager with lead responsibility is the Head of Safeguarding.
- 2.4 There is a difference between whistleblowing and raising a grievance. This policy does not set out the procedure that applies to general grievances. If a worker has a complaint about their own personal circumstances, then the College’s [Grievance Procedure] should be used instead. A copy of this document is available from the Staff Homepage – Internet Shortcuts – Policies and Procedures.
- 2.5 This policy and procedure does not form part of any contract of employment and the College may amend it at any time.

3. Protected disclosures

- 3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law protects workers who raise what it defines as a ‘protected disclosure’. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see section below) and the disclosure must also be made in an appropriate way (see section

5 below). It does not matter if a worker who raises a concern is mistaken about it – workers 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 malpractice.. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4. Specific Subject Matter

Whistleblowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the College's activities. This policy and procedure should be used where a worker becomes aware of information which they reasonably believe 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;
- That an individual 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;
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5. Procedure for making a disclosure

- 5.1 Information which a worker reasonably believes tends to show one or more of the situations given in section 4 should promptly be disclosed so that any appropriate action can be taken.
- 5.2 In the first instance, a disclosure should be made to the worker's line manager. Where a worker feels that they cannot tell their line manager, for whatever reason, they should raise the issue with the Assistant Principal and/or any member the Executive Leadership/College Leadership Team.
- 5.3 If the disclosure relates to the Principal and Chief Executive, a worker can raise the issue with the Clerk of the Corporation.
- 5.4 In the event that the disclosure relates to the Clerk of the Corporation, a worker can raise the issue with the Chair of the Board of Governors.
- 5.5 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although the worker is not expected to prove the truth of their concern beyond doubt or provide evidence, the worker will generally need to provide the following information as a minimum:
 - the nature of the concern and why the individual believes it to be true; and
 - the background and history of the concern (giving relevant dates where possible).

- 5.7 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College may have difficulty in investigating concerns. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
- The seriousness of the issues raised in the disclosure; and
 - How likely it is that the concern can be confirmed from attributable sources.
- 5.8 Anonymous whistleblowers will not ordinarily be able to receive feedback and any action taken to look into a disclosure could be limited. Anonymous whistleblowers could seek feedback through a telephone appointment or by using an anonymised email address.
- 5.9 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, workers should speak in confidence to the Executive Director: People.

6. Procedure for investigation of a disclosure

- 6.1 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time.
- 6.2 The College will carry out an initial assessment to determine the scope of any investigation. It will inform the worker of the outcome of its assessment.
- 6.3 The College may arrange a meeting with the worker to discuss the concern raised. [The worker may bring a colleague [or trade union representative] to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation.] The College may ask the individual for further information about the concern raised, either at this meeting or at any stage during the process.
- 6.4 The College will determine the appropriate action to take (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office, funding bodies.
- 6.5 If appropriate, any internal investigation will be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate. In some cases the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.
- 6.6 Any recommendations for further action made by the College will be addressed to the Principal or Chair of the College's Board of Governors as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 6.7 The worker making the disclosure will usually be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving the worker specific details of the investigation or any disciplinary action taken as a result. Workers should treat any information about the investigation as confidential.

- 6.8 If the worker is not satisfied that their concern has been appropriately addressed, they can raise it with the Principal and Chief Executive within 10 working days. The Principal and Chief Executive will make a final decision on action to be taken and notify the worker making the disclosure.
- 6.9 There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:
- The College is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring;
 - The matter is already the subject of legal proceedings or appropriate action by an external body; and/or
 - The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

7. Safeguards for workers making a disclosure

- 7.1 A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the College in so far as is possible and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 7.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the worker making the disclosure without their written consent, or unless the College is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure under this policy. This does not prevent the College from bringing disciplinary action against a worker where the College has grounds to believe that a disclosure was made maliciously or vexatiously.
- 7.4 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy and procedure. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action may be taken by the College against the colleague in question.

8. Disclosure to external bodies

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The College would expect that in almost all cases raising concerns internally would be the most appropriate course of action.
- 8.2 The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media.

- 8.3 The College strongly encourages workers to seek advice before reporting a concern to anyone external. Protect (formally known as Public Concern at Work) is the UK's whistleblowing charity, and aims to stop harm by encouraging safe whistleblowing. It is a source of free, confidential whistleblowing information and advice, and can be contacted:

online via its website: <https://protect-advice.org.uk/contact-protect-advice-line/>; or

by telephone: 020 3117 2520

- 8.4 Workers may make a disclosure to an appropriate external body prescribed person, such as a regulator or professional body or an MP. A list of prescribed people and bodies this purpose and the areas for which they are responsible is available on the GOV.UK website at:

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

9. Accountability

The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken), and will report to the College's Board of Governors on an annual basis as appropriate.

10. Further assistance for workers

- 10.1 The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Principal and Chief Executive.
- 10.2 Staff must not threaten or retaliate against whistleblowers in any way and staff that are found to be involved in such conduct you may be subject to disciplinary action. (In some cases the whistleblower could have a right to a member of staff personally for compensation in an employment tribunal.)
- 10.3 A worker making a disclosure may want to confidentially request counselling or other support from the College. Any such request for counselling or support services should be addressed to the Executive Director: People. Requests will be treated in confidence.