



SPEAKING OUT POLICY AND PROCEDURE

1. INTRODUCTION

- 1.1 This policy encourages and enables individuals to make a “protected disclosure” to raise serious concerns to the College in the public interest in line with the Public Interest Disclosure Act 1998. We are committed to the highest possible standards of openness, honesty, integrity and accountability therefore in line with that commitment we expect people, who have serious concerns about any aspect of the College’s work to come forward and voice those concerns.
- 1.2 The purpose of this policy is to provide the approved way for concerns to be raised. An individual must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
- criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone’s health and safety
 - damage to the environment
 - a serious safeguarding or child protection concern including any involvement in radicalisation or extremist activity
 - covering up wrongdoing in the above categories.
- 1.3 It is not an alternative to the college’s established Grievance Procedure, which is the means by which an employee may raise a private concern about an employment matter.

2. SCOPE

- 2.1 Any serious concerns that an individual may have about any aspect of service provision or the conduct of members of the College community, or those acting on behalf of the College can be reported under the Speaking Out Policy.
- 2.2 There are existing separate procedures in place to enable employees to lodge a grievance relating to their own employment including issues relating to bullying, harassment and discrimination. There is also a Compliments and Complaints Policy for dealing with complaints. This procedure is intended to cover concerns that fall outside the scope of other procedures.

3. POLICY STATEMENT

- 3.1 The College welcomes the communication of genuine concerns and is committed to dealing with them responsibly, promptly, openly and professionally.
- 3.2 Any employee found to be subjecting a bona fide person who has spoken out (or “whistleblower”) to any form of victimisation, discrimination or bullying and harassment will be dealt with under the colleges’ Disciplinary Procedure. People who speak out will not suffer any form of detriment as a result of raising their concerns.
- 3.3 However, if it is evident that an employee who has spoken out has made a malicious allegation, the College’s disciplinary procedure will be instigated.

3.4 This policy will not discriminate either directly or indirectly against any individual on grounds of sex, race, ethnicity or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, socioeconomic status, offending background or any other personal characteristic.

4. PROCEDURE

4.1 To ensure that there is no confusion about the nature of the concern being raised, it is important to refer to this policy in all correspondence. If there is a more suitable college policy to deal with the nature of the concern, the person who has spoken out will be advised accordingly.

4.2 It is recognised that there may be matters that cannot be dealt with internally and whereby external authorities will need to become involved. Where this is necessary, the College reserves the right to make this referral themselves without the person who has spoken out's consent. The Police will be informed in all instances where a criminal offence may have occurred.

4.3 If told not to raise or pursue a concern, individuals should not agree to remain silent. They should report the matter to the most appropriate senior manager within the College. An instruction to cover up wrongdoing is itself a disciplinary offence.

4.4 In order to raise a concern, a detailed letter should be sent to the Principal. Where the concern relates directly to a Senior Post Holder of the College, this should be directed to the Clerk to the Corporation. Please see the template in the appendix to this policy for guidance on what to include in the letter.

4.5 Once an individual has formally raised a concern, the College will commence an investigation and the person who has spoken out will be contacted to acknowledge the concern and inform them of the action that the college intends to take.

4.6 While the purpose of the policy is to enable the College to investigate possible malpractice and take appropriate steps to deal with it, it may not be possible to give the person raising the concern details of the action that will be taken where this may infringe a duty of confidentiality that is owed to someone else.

4.7 An investigation will be conducted by a suitable college representative. If the concern has safeguarding implications, the College will discuss the details with a Senior Designated Safeguarding Officer (Senior DSO) prior to conducting an internal investigation. If required, the LADO (Local Authority Designated Officer) will be contacted to determine if action is required under the allegation management process (See Allegation Management Policy).

4.8 If someone else has the same concern, it is advisable that they raise their concerns separately and do not discuss the issue in order to prevent any conflict of interest or opportunity to jeopardise an investigation.

4.9 All concerns raised under this policy will be treated as confidential and in a timely and sensitive manner. The identity of the individual raising the concern or making the disclosure will be kept confidential so long as this does not hinder any investigation. Concerns or disclosures expressed anonymously are less credible but will nevertheless be considered.

4.10 All individuals have a duty of confidentiality to the College.

5. DOCUMENT REVIEW INFORMATION

Policy Date: 10th February 2020

Equality Impact Assessment completed: 14th August 2020

Completed by: Caroline Street and Nimisha Mistry-Miah

Policy Review Date: February 2023

APPENDIX: SPEAKING OUT LETTER TEMPLATE

To: <i>Principal</i>
From: <i>(name and contact details of the person speaking out)</i>
Date of submission: <i>(when the individual makes the concern)</i>
Nature of concern: <ul style="list-style-type: none">• <i>an outline of the known or suspected wrongdoing</i>• <i>details, to the best of your knowledge, about when, where it occurred</i>• <i>a list of the names of those suspected of being involved</i>• <i>a list of the names of anyone who may have relevant information</i>• <i>details of how you came to know about the suspected activities</i>• <i>what, if any breaches of internal controls, policy and procedure or other requirements you believe took place</i>• <i>the name of anyone who you have discussed or reported this incident to</i>• <i>your name and contact details (these will be kept confidential as far as reasonably practicable)</i>• <i>the date and time of making the report</i>
Details of any previous attempts to raise a concern <i>(what, who with, if this applies)</i>
Outcome of any previous investigations <i>(if this applies)</i>
Comments/ suggestions for action <i>(if appropriate)</i>
Signed by the individual