



Whistleblowing Policy and Procedure

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CLT Sponsor: Head of People
Consulted with: Trade Unions
Next Review Date: 21 March 2024
Approved by: Audit and Risk
Adopted on: 21 March 2022

1. Purpose

This policy applies to all employees and workers of Exeter College (including contractors and agency workers). Other individuals performing functions in relation to the College are also encouraged to use it (e.g. governors and volunteers).

It is important to the College that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The College therefore encourages all individuals to raise any concerns that they may have about the conduct of others within the College or the way in which it operates. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Definitions

SLT – Senior Leadership Team

3. Policy

The Public Interest Disclosure Act 1998 provides protection for employees/workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee/worker has no responsibility for investigating the matter - it is the College's responsibility to ensure that an investigation takes place.

An employee/worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The College encourages employees/workers to raise their concerns under this procedure in the first instance. If an employee/worker is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the People team.

4. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Everyone should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- No employee/worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an employee/worker for raising a qualified disclosure will be a disciplinary offence.

- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary policy/procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a serious offence. Wilful misuse of this procedure may constitute an act of gross misconduct and will be subject to disciplinary action, which may include dismissal.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a Senior Manager.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should refer to the College's Grievance policy.

5. Procedure

- 1) The purpose of the procedure is to enable a disclosure to be made to a "designated person" and to indicate the manner with which the matter will be dealt following disclosure. All matters under this procedure will be treated in confidence in a manner appropriate to the nature of the disclosure.
- 2) For the purpose of this procedure, the designated people are the Clerk of the Corporation (email: disclosure@exe-coll.ac.uk) or the Chair of the Audit Committee, in their absence the designated deputies are the Vice Chair of the Board or the Vice Chair of the Audit Committee, respectively. If the protected disclosure relates directly to one of the above-named people, it should be referred to another of the named designated people.
- 3) The designated person on receiving information on a protected disclosure from an employee will acknowledge in writing receipt of such disclosure as soon as reasonably possible.
- 4) The designated person will decide in conjunction with a senior member of the People team how the investigation is to be conducted. An investigation may involve the employee and other individuals involved, providing a written statement. Any investigation will be carried out in accordance with the principles set out in section 4. The investigation will be led by the designated person or an investigating manager appointed by them. The employee's statement will be taken into account and they will be asked to comment on any additional evidence obtained.
- 5) On the conclusion of the investigation the appointed investigating manager will summarise their findings to the designated person.
- 6) The designated person will take any necessary action, including reporting the matter to the Board of Governors and/ or any appropriate government department or regulatory agency. If disciplinary action is required, the line manager or Investigating Manager in conjunction with a senior member of the People team will start the disciplinary procedure.
- 7) On the conclusion of any investigation, the employee will be told of the outcome of the investigation and what action has been taken or what action will be taken. If no action is to be taken; the reason for this will be explained.

Appeal

If the employee/worker is concerned that following the investigation and subsequent action, they believe that the conduct is continuing or that appropriate action has not been taken, they may raise the matter with the Chair of the Board.

The Chair of the Board (or such person designated by them) will review the investigation and subsequent action (either alone or together with another Board member) and advise the employee in writing, as soon as possible of the review.

If following receipt of such advice, the employee/worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Competition and Markets Authority
- the Health and Safety Executive
- the Environment Agency
- the Independent Office for Police Conduct
- the Serious Fraud Office

6. Data Protection

When an individual makes a disclosure, the College will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

7. Law relating to this document

Employment Rights Act 1996
Public Interest Disclosure Act 1998
Enterprise and Regulatory Reform Act 2013
General Data Protection Regulation (2016/679 EU)
Data Protection Act 2018

8. Associated Documentation

Grievance Policy & Procedure
Disciplinary Policy & Procedure
Data Protection Policy

9. Monitoring, Review and Evaluation

This policy/procedure will be reviewed every two years or in response to changes to legislation or best practice, whichever is the sooner.

The People team is responsible for monitoring and reviewing this policy.