

Disclosure of Public Interest (Whistle Blowing) Policy

Purpose

The Inspire Education Group (IEG) is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (both are referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law, radicalisation, actions of extremism, terrorism, bullying, harassment and other serious wrongdoings.

Scope

This policy applies to all workers of the Group, including apprentices and workers which includes any casual workers; home-based casual workers; and employees of subcontractors and agency workers engaged by any parts of the Group.

The Policy Statement

IEG encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with any parts of the Group.

Workers are encouraged to raise genuine concerns through internal Group procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law. 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.

The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. IEG is also committed to ensuring compliance with the Bribery Act 2010. Students at each college are also encouraged to raise genuine concerns about suspected wrongdoing, by expressing concerns to the lead manager of student services where the students are studying (this policy and procedure is designed for the use of workers of the Group).

Any suspicion of radicalisation, actions of extremism or terrorism within their peer groups that students at either college may have, or suspicion had by staff members, should be reported to a member of the Safeguarding team.

Policy Name: HR001 Whistleblowing Policy

Policy Author: Group Director of Human Resources

Issue: B Feb 2022

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Approved By: IEG Board

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Responsibilities

Once the Group is made aware of a concern it is required to carry out an impartial investigation by individuals not directly involved in, or compromised by, the allegation. All staff, students and members of the Board have a duty to report any safeguarding concerns.

The following posts are defined as a senior postholder: IEG CEO and Principal - Stamford, IEG Deputy CEO and Principal – Peterborough, Chief Financial Officer, Executive Director Business Development, and the Governance Director. Senior postholders are responsible for conducting investigations into alleged maladministration or malpractice.

IEG will report concerns of potential terrorism or radicalisation to the appropriate authorities.

Related Documentation

Appendix 1 – Procedures
Public Interest Disclosure Act 1998
www.gov.uk/whistleblowing

An Equal Opportunities Impact Assessment was carried out by the Policy Approval Group on 10th February 2022.

Whistle Blowing Policy – Appendix 1 Procedures

Protected Disclosures

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, a disclosure must relate to a specific subject matter (See Section 5 below) and the disclosure must also be made in an appropriate way (See Section 6). A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

Specific Subject Matter

If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- 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 an individual has been, is being, or is likely to be influenced to the extent of being radicalised
- That an act of extremism or terrorism has occurred, is occurring, or is likely to occur
- 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

Procedure for making a disclosure

Information which a worker reasonably believes tends to show one or more of the situations given under Specific Subject Matter, above, should promptly be disclosed to their line manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with their HR Lead.

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If the disclosure relates to either Principal (CEO or Deputy CEO), a worker can raise the issue with the Governance Director. In the event that the disclosure relates to the Governance Director, a worker can raise the issue with the Chair of the Corporation.

Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Group will not be in a position to notify the individual making the disclosure of the outcome of action taken by the Group. Anonymity also means that the Group will have difficulty in investigating such a concern. Inspire Education Group (IEG) 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
- How likely it is that the concern can be confirmed from attributable sources

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 relevant HR Lead.

If a member of staff has concerns about safeguarding practices within either college and does not feel able to raise the issue in college or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

General advice can be found at www.gov.uk/whistleblowing

The NSPCC whistleblowing helpline is available for staff to call on 0808 800 5000 the line is available from 8.00 am to 8.00 pm, Monday to Friday and email: help@nspcc.org.uk

Procedure for investigation of a disclosure

When a worker makes a disclosure, this will normally be to their line manager or the HR Lead in the first instance. The Governance Director is the IEG point of contact for all disclosures made by workers and members of the public and will oversee associated investigations, make recommendation to the Board and Executive as appropriate and oversee outcomes. Therefore, the line manager or HR Lead is responsible for reporting all disclosures to the Governance Director (or the Chair of Governors if the disclosure refers to the Governance Director) who will acknowledge its receipt, in writing, within a reasonable time. In the event of a disclosure made relating to radicalisation, extremism or terrorism, the disclosure will be communicated immediately to the appropriate Designated Safeguarding Lead.

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The Governance Director will refer the matter for initial investigation to determine whether or not the disclosure is wholly without substance or merit. If IEG considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the decision and advised that no further action will be taken by the Group under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If IEG is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate IEG procedure

When a worker makes a disclosure which has sufficient substance or merit warranting further action, IEG will take action it deems appropriate (including action under any other applicable IEG policy or procedure). Possible actions could include internal investigation; referral to IEG's auditors (internal or external); or referral to relevant external bodies such as the police, Local Authority, OFSTED, NSPCC, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation would be conducted by a manager of the relevant college without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the Group as appropriate.

[Note: Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it may be appropriate for a senior manager or a designated officer, such as the Governance Director, to investigate the concern].

Any recommendations for further action made by IEG will be addressed to the Group CEO or Chair of the Group's Corporation 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. The worker making the disclosure will be notified of the outcome of any action taken by IEG under this policy and procedure within a reasonable period of time. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Group CEO or Deputy CEO within ten working days. The Group CEO or Deputy CEO will make a final decision on action to be taken and notify the worker making the disclosure.

[Note: The procedure should encourage the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation. All communications with the worker making the disclosure should be in writing and sent to the worker's home address rather than through the college's internal mail or by an agreed email address depending on the way in which they have communicated with the college. If investigations into the concern are prolonged, the relevant college should keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion]

Safeguards for workers making a disclosure

A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the Group and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

[Note: For confidentiality purposes, if the worker requests to raise their concern verbally, it would be appropriate for IEG to allow the worker to do so].

The Group will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by either 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.

No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent either college from bringing disciplinary action against a worker where the college has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Group without reasonable grounds.

A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by either 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 will be taken by IEG against the colleague in question.

Disclosure to external bodies

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally. 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. IEG strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the [GOV.UK website](https://www.gov.uk).

[Guidance note: While employers inevitably prefer workers not to make external disclosures (such as to a prescribed regulator) in the first instance, this may be protected by the legislation and so it is not advisable for the policy to be too discouraging or to suggest that it may be misconduct if workers fail to raise the matter internally first. An employer is more likely to achieve its aims by encouraging and facilitating internal disclosures as the preferred method, by providing adequate protection for whistleblowers, and by giving them access to independent advice where necessary. These factors will also make it less likely that the statutory protection for wider disclosure (such as to the press) will be triggered.]

Accountability

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

Further assistance for workers

IEG 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 relevant Principal.

A worker making a disclosure may want to request counselling or other support; staff are encouraged to seek support from their trade union, Staff Representative or professional association. They can also access the relevant employee assistance programme offered by IEG. Any such request should be made directly to them and would be made in confidence.

Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers 6 - 10 Borough High Street London
SE1 9QQ
Whistleblowing Advice Line: 020 7404 6609
<http://www.pcaw.org.uk>

Data Protection

During the investigation IEG will attempt to maintain the confidentiality of the discloser and any details provided will not be shared with any other party.

If the allegation becomes a police matter, IEG will disclose the personal data of the discloser if requested by the police to do so and the request complies with the Data Protection Act.

Risk Analysis

Effective implementation of this policy ensures that IEG is seen to operate a system that will allow an individual who has serious concerns about potential maladministration, malpractice, fraud or safeguarding within IEG to have their concerns addressed appropriately. The risk of not having this policy would be to expose IEG to bad publicity and risk reputational damage and financial exposure or to put at risk a student of significant harm.