



Whistleblowing (Public Interest Disclosure)

Policy & Procedure HR-1-021

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Revised policy

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1. VISION, MISSION, VALUE AND STRATEGIC GOALS

Vision, Mission, Values and Strategic Plan 2019-2021 review date **June 2021**

Our Vision Our vision is to maximise our impact on the people and places we reach as an education provider. We will strive to change people's lives, creating social value and promoting social mobility in every community we work with. We are enterprising in our approach, and as an agile, multifaceted education group, we enable and empower people of all ages from 5 to 95 to 'step up' to their next opportunity in life.

Education will always be at the core of our work but for our learners and community to thrive we recognise that qualifications alone are not enough. We want to build strong, sustainable communities that are economically and socially prosperous, and for our learners and partners to join us on this journey as co-producers in achieving this vision. We will achieve this positive impact by widening our current role and positioning ourselves as a social enterprise; one that collaborates and adds value to the wider ambitions of our partners as we believe that together we will achieve better outcomes for all.

We aim to do this by engaging with, empowering and listening to our learners, colleagues and communities. As we develop, we will continually ask 'how can we improve?' This will ensure that we are the best we can be at all times. We know that to achieve our vision we need a talented, resilient and energised workforce. Our people are central to turning our vision into a reality. We need a workforce with common values that unite us all across our group.

We are defined by the values we share and our values guide everything, we do. They motivate our attitudes, actions, decisions and relationships with our learners, partners and each other. Our group values will help us develop a workforce and culture that stands out from the crowd. Our aspiration is to recruit and develop 'star' performers delivering high quality service every day and in everything that we do.

Our Values Stand Out: We will stand out. We are a good education group with outstanding features. keen to innovate, we create social value and push the boundaries to achieve more.
Teamwork: We are a team. Together we get the job done. Together we achieve our goals. It is everyone's job to step in and help.

Accountable: We own our actions. We take responsibility. We are accountable for the decisions we make and how these affect others. We own this. **Respectful:** We respect everyone - full stop. **Diversity** is valued and we maximise this as a talent and strength. **Striving:** Every day we strive to be better. To achieve more. To continuously improve, in all that we do. Individually, and as a group

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The information below sets out the College's key strategic goals over the next five years (2021-2026):

- to have a measurable positive impact on lives and communities
- to maximise learners' success and ambitions through a learning strategy and approach that connects learning to the real world
- to deliver high quality outcomes across all aspects of the group's business
- to have the right people in the right jobs at the right time
- to establish a group identity with shared vision, mission and values and a new emphasis on social enterprise and our wider contribution
- to embed a culture of discipline, values and evidence that will drive our behaviour

Whistleblowing Policy 2 SCOPE & PURPOSE

2.1 EXCEL wishes to promote a culture of openness and a shared sense of honesty. However, all employees are expected to act responsibly to uphold EXCEL reputation in order to maintain public confidence.

2.2 EXCEL has produced this Policy to safeguard staff, and students, in the event they have a genuine concern regarding any possible malpractice in connection with EXCEL. The aim is to provide a way for staff to be able to confidently and safely raise concerns, which they believe should be disclosed “in the Public Interest”, without fear of repercussions, provided that they have a reasonable and genuine belief that some form of wrongdoing has or is likely to take place, as well as to receive feedback on any actions taken as a result of their concerns.

2.3. Exceptionally, this Policy applies to all employees and those contractors working for EXCEL, including independent contractors, agency workers and consultants. For the purposes of this policy, references to “staff” encompass all categories of workers and EXCEL employees.

2.4 Where an employee of EXCEL has a concern related to their individual circumstances e.g. any aspect of their employment, this should be raised under EXCEL Grievance Policy.

2.4 The Whistleblowing procedure also aims to create a balance between the need to provide protection for staff with the need to protect other members of staff, members of the Corporation, students and EXCEL against incorrect or malicious allegations which can cause serious damage to innocent people and EXCEL reputation.

2.5 It is therefore essential that, in order to retain legal protection for a disclosure, staff must comply with Section 6 of this Policy in the first instance.

2.6 This policy has been prepared taking account of prevailing legislation and follows best practice by enabling EXCEL to demonstrate a fair, equitable and transparent environment. Accordingly, the policy has been subject to an Equality Impact Assessment and is suitable for publication under the Freedom of Information Act 2000.

2.7 This policy is non-contractual and may be amended at any time.

3 DEFINITION OF WHISTLEBLOWING

3.1 Whistleblowing is the disclosure of information which is protected under the whistleblowing legislation if:

- It is made in a public interest, in a reasonable belief of the individual making the disclosure which means that it relates to something that serves the interest of the public.
- It is done using the appropriate procedure.

4 MALPRACTICE

4.1 The College encourages employees to make a disclosure if they have a reasonable belief that malpractice or wrongdoing has or is likely to take place. The types of malpractice which is in a public interest include:

- Fraud or financial irregularity
- Corruption, bribery or blackmail
- Failure to comply or likelihood of failure to comply with legal or regulatory obligation
- Miscarriage of justice
- Criminal offence or activity
- Putting, or likely to put the health or safety of any person in danger
- Putting, or likely to put the environment in danger
- Breaches of legislation e.g. deficiencies of care of young adults or vulnerable people
- Hiding or not releasing information relating to any of the above.

4.2 Whistleblowing concerns should be distinguished from personal grievances. Whistleblowing is where an employee has a concern about danger or illegality that has a public interest aspect to it. A grievance is a dispute relating to an employee personally and has no additional public interest dimension.

This type of complaint will be addressed under the College's Grievance Policy and Procedure.

To help determine whether an employee's disclosure falls within the scope of public interest, an independent helpline advice is available from the Public Concern at Work on 020 7404 6609 or at whistle@pcaw.org.uk.

5 RIGHTS AND RESPONSIBILITIES OF STAFF

5.1 All staff are asked to report any issue of concern regarding the provision of services or management of those services, insofar as it is reasonable or proportionate to do so. In the majority of cases, staff will do this through usual line management reporting arrangements.

5.2 Employees are expected to report concerns as soon as they arise and to avoid any unnecessary delay in doing so.

5.3 To gain protection under this policy, the employee must reasonably believe that the disclosure is made in the public interest. Staff are not required to prove the “truth” of an allegation. A complainant will, however, have to show that they had a reasonable belief at the time of making the allegation, and will be expected to co-operate with any investigation that takes place.

5.4 When any meeting or interview takes place under this policy, employees may, if they choose, be accompanied by a trade union representative or work colleague.

6 MANAGERS' RESPONSIBILITIES

6.1 All managers should ensure that their staff are fully aware of the provisions allowed for and contained within this Policy.

6.2 Managers will ensure that any concerns raised with them are recorded and forwarded in confidence to the Group Head of HR. Managers should prepare a record of the conversation and should include. • the date of the disclosure and the department;

- the risk(s) involved and whether they are on-going;
- a summary of the concern and its background;
- the response proposed by the discloser;
- whether confidentiality was requested or promised;
- whether the concern was raised previously;
- whether the concern was raised with line management;
- any general observations.

6.3 Any such records must be prepared and processed in accordance with the principles of Data Protection, as outlined in EXCEL's Data Protection Policy.

6.4 Line managers should seek advice from the HR Department if there is any uncertainty about the application of this policy and procedure.

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7.1 Any employee who wishes to raise a concern regarding wrongdoing or malpractice is encouraged to make an internal disclosure using the procedure set out above. Such disclosures are protected under the legislation if they are made on the basis of the individual's reasonable belief at the time of making the disclosure.

7.2 It is hoped that this policy will assure the employees that EXCEL takes these types of concerns very seriously and that it will address such concerns as appropriate in every circumstance internally. In the event an employee wishes to make a disclosure to an external organisation e.g. a prescribed regulator, this too can be done safely and as an alternative to making the disclosure to the College where appropriate. However external disclosures will similarly be protected where the individual reasonably believes that the information is true at the time of making the disclosure and any allegation are substantially true. Staff are encouraged in the first instance to resolve the matter with EXCEL. If the circumstances are such that it is unrealistic or impossible for staff to resolve the matter in this way, or if staff have already tried to do so without success, then staff are entitled to bring the matter to the attention of:

- A legal advisor
 - A government minister
 - The appropriate regulatory body
- 7.3 If staff are dissatisfied with the original response to the investigation or the final response/outcome determined by the Principal, staff should write to the Group Head of HR, within 5 working days of written notification of the outcome, who will arrange for the issues raised to be brought to the appropriate attention of the IO or Chair of the Corporation.

7.4 Wider public disclosures, for example to MPs or media, will only be protected where there is justifiable cause for going wider and where the particular disclosure is reasonable. EXCEL will deal with any malicious/vexatious allegations under its' Disciplinary Policy and Procedure.

8 PROTECTION FOR STAFF

8.1 The Investigating Officer will keep any documentation relating to the matter, both manual and electronic, confidential and secure.

8.2 If the discloser involves a trade-union representative or work colleague in this procedure, they must make sure that the representative or work colleague maintains confidentiality to ensure the integrity of the process and the protections afforded are not undermined, unless:

- This is agreed by both parties
- This is not possible by law or
- Until such time as it becomes public knowledge (if applicable)

8.3 EXCEL may instruct the discloser to take part in any enquiry or investigation into the matter that EXCEL or any prescribed regulator organises.

8.4 EXCEL will not treat the discloser less favourably because s/he has provided information under this procedure, except in accordance with paragraph

8.2 below. If the discloser believes s/he is treated less favourably, s/he should discuss this in the first instance with their line manager or the Group Head of HR.

8.5 EXCEL will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if it becomes necessary for an individual to give evidence in criminal or disciplinary proceedings, EXCEL will provide the necessary advice about the procedure and give whatever practical support that is possible.

8.6 Employees will also be provided with details of support available including the Employee Assistance helpline.

9 PROTECTION AGAINST DISCIPLINARY ACTION

9.1 EXCEL will not tolerate any reprisal against any employee because they have raised a concern under this Policy. Any such reprisal will be treated as a disciplinary matter, which might lead to dismissal.

9.2 This assurance is not extended to those employees who maliciously raise a concern that they know to be either fully or partially false.

9.3 EXCEL will not take disciplinary action against the discloser for releasing information under this procedure that s/he genuinely believes to be relevant and true.

10 SAFEGUARDS AGAINST HARASSMENT OR VICTIMISATION

10.1 EXCEL is committed to good practice and high standards and is supportive of its' staff.

10.2 EXCEL recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the matter that gives rise to the concern. If concerns are raised in the public interest, there will be nothing to fear because staff will be doing their duty to the employer and to those whom they are providing a service.

10.3 Staff raising matters of concern internally which meet the definition of whistleblowing are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work as a result of raising the concern (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in the reasonable belief that they are doing so in the public interest. A person would not be protected from disciplinary action if, for example, they raised a concern they knew to be false or malicious.

10.4 EXCEL will not tolerate harassment or victimisation and will take such action as is necessary to protect employees when they raise concerns in the public interest under this Policy