

# **LINK19 College LTD**



## **WHISTLEBLOWING POLICY**

**Date: Summer 2024**

**Review Date: Summer 2026**

## **LINK19 College LTD Whistleblowing Policy**

### **Introduction**

- 1.1 LINK19 College is committed to achieving the highest possible standards of probity and integrity. The Whistleblowing Policy contains a procedure to enable serious concerns regarding LINK19 College to be raised.
- 1.2 The Whistleblowing Policy covers how to raise concerns, how concerns are dealt with and whistleblowing support and protection.
- 1.3 Wrongdoing can be reported under the Whistleblowing Policy by employees, agency workers, learners and visitors. Employees and agency workers should not be treated unfairly or lose their job because they 'blow the whistle' if they report any of the following in the public interest:
  - a criminal offence
  - health and safety breaches
  - risk or actual damage to the environment
  - a miscarriage of justice
  - law breaking
  - there's a belief someone in LINK19 College is covering up wrongdoing.
- 1.4 Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless the case is in the public interest. These should be reported under the relevant employment policy.
- 1.5 A concern can be raised about an incident that happened in the past, is happening now, or is believed will happen in the near future.
- 1.6 The LINK19 College Lead will ensure the implementation of the Whistleblowing Policy, by maintaining a central record of concerns raised under it, providing training, and periodic reporting to the LINK19 College Board of Directors, to include: the number and types of concerns raised, and actions taken, user feedback, any complaints of victimisation, confidentiality, any relevant litigation, staff awareness, and trust and confidence in the arrangements.

### **How concerns should be raised**

- 2.1 Staff concerns may be raised individually or collectively. If collective concerns are raised staff should be prepared to give their own account during any investigation, should this be required. There is no time limit for raising a concern – however concerns are encouraged to be raised at the earliest opportunity. No action will be taken against staff where concerns raised are subsequently unproven. However disciplinary action may be taken in the event that knowingly false, malicious and/or vexatious allegations have been made.
- 2.2 Staff may wish to consult a Trade Union representative before raising a concern and staff can be accompanied by a Trade Union representative or workplace colleague to any meeting relating to a concern raised under the Whistleblowing Policy.
- 2.3 Concerns should initially be raised with a line manager or the LINK19 College Lead. Non-

staff concerns should be raised directly with the LINK19 College Lead. Safeguarding concerns can be raised with the Designated Safeguarding Adult Lead. If a concern involves the LINK19 College Lead, it should be reported to the Chair of the LINK19 College Board of Directors. Concerns regarding the LINK19 College Chair should be raised with the LINK19 College Deputy Chair.

2.4 Concerns may be raised in person or in writing. They should include the following information:

- the background of the concern - names, dates, and places where possible
- the reason/s for the concern
- that the concerns are made under the Whistleblowing Policy.

Staff are not required to prove their concern, but they need to have sufficient and reasonable belief for it/the public interest.

Staff may invite a Trade Union representative for support to raise a concern or raise a concern on the staff member's behalf or to attend any meeting.

#### **How concerns will be dealt with**

3.1 Staff will not have a say in how their concern is dealt with. Staff must confirm straight away if they wish to remain anonymous.

3.2 Initial enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with staff. The concern might be referred to another individual within LINK19 College or external body. It may be possible to resolve the concern without the need for further investigation.

3.3 The action to be taken by LINK19 College in respect of staff concern will depend on the nature may include:

- management or disciplinary investigation
- external auditor referral
- regulatory body referral
- police referral
- local authority referral.

3.4 Within ten working days of receipt of a concern, the staff member will be informed of the following:

- acknowledgement of receipt of the concern
- how the concern is to be progressed (e.g., investigation or referral)
- an estimate of how long the process will take
- arrangements for obtaining further information.

Further contact will depend on the nature of the concern and the follow-up action required; arrangements will be made to provide progress updates as far as is practicable. It may be decided that it is not appropriate for consideration of a concern to be progressed. This may include where:

- no further action is required
- action is to take place under another policy
- there has been an external referral or legal proceedings are in hand
- a false, malicious, or vexatious concern has been made.

- 3.5 Staff, learners or visitors will be kept informed about the action taken regarding the concern but cannot be given much detail particularly if the confidence of other people has to be kept.
- 3.6 Anonymous concerns may be considered depending on various factors including seriousness and material circumstances. It should be noted that it may be more difficult to address the concern, or provide support, where a concern is reported anonymously.
- 3.7 If the staff member is not satisfied with how the concern has been dealt with, or they do not want to report the concern to LINK19 College, the staff member can tell someone else (e.g., a more senior member of staff) or a prescribed person or body if the staff member believe their concern was not taken seriously or the wrongdoing is still going on. Contact ACAS, the whistleblowing charity Protect, their trade union or legal adviser for more guidance.
- 3.8 Notes may be taken of all meetings held under the Whistleblowing Policy. Where notes are taken a copy will be made available. All records relating to the management of concerns reported under the Whistleblowing Policy will be processed in accordance with the requirements of the General Data Protection Regulations and Data Protection Act (2018).

#### **Protection and support**

- 4.1 When a concern is raised, the staff member will be protected from detriment, harassment, and victimisation. Reasonable steps will be taken to support and protect staff members in the event that a concern is raised. Steps will include consideration of arrangements to maintain confidentiality. The staff member's identity will not be disclosed without prior consent if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external investigation where disclosure is required. The staff member will be informed should there be a possibility that confidentiality cannot be maintained.
- 4.2 Staff members can make use of a confidential employee counselling service. They may also consult their professional association or Trade Union.