



WHISTLEBLOWING POLICY

Policy Title:	Whistleblowing
Approved by:	Audit & Risk Committee
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Author(s):	Deputy CEO
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Related Policies & Procedures:	Fraud and Irregularity Gifts, Hospitality and Anti-Bribery



Equality Impact Assessment Tool

Name of Policy: Whistleblowing Policy

		Yes/No	Comments
1	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
2	Is there any evidence that some groups are affected differently?	No	
3	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4	Is the impact of the policy/guidance likely to be negative/	No	
5	If so, can the impact be avoided?	N/A	
6	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7	Can we reduce the impact by taking different action?	N/A	

WHISTLEBLOWING POLICY

A POLICY TO REGULATE DISCLOSURE OF MATTERS IN THE PUBLIC INTEREST

1 Background and Policy Statement

- 1.1** Suffolk New College ensures that its affairs are at all times conducted in a way which maintains its high reputation in the community which it serves. As the College is funded by public money, it is essential that the highest standards of honesty and probity govern its activities, operations and procedures. Issues relating to fraud, malpractice, corruption and serious breaches of health and safety requirements must be addressed effectively.
- 1.2** This policy seeks to promote a culture of openness and freedom of communication within which individuals can raise legitimate concerns. The Corporation affirms that any individual who follows this policy correctly, in good faith and not seeking personal gain may do so without fear of reprisals or victimisation.
- 1.3** This policy will not, however, protect individuals where the procedures are not followed and the leaking of confidential Corporation business to outside bodies, for example the media, will be considered a serious disciplinary matter.

2 Dealing with Concerns

- 2.1** When expressing a concern it is important to remember that there may be additional information that the person raising the concern is not aware of, therefore a full investigation must take place before action is taken.
- 2.2** Management will respect and observe legitimate concerns and the career security and personal safety of members of staff raising a concern will be protected.
- 2.3** Staff at all levels are afforded protection by this policy, which designates as serious disciplinary offences victimisation or deterring a legitimate concern from being raised
- 2.4** Abuse of the Policy by knowingly making false, malicious, unfounded accusations will be regarded as a serious disciplinary offence. If such accusations are conveyed externally (for example to the media) and bring the College into disrepute, this too will be construed as a serious disciplinary offence.

- 2.5** Concerns may legitimately be raised under this Policy if they are in the interests of the College, its staff, students or the public. The Policy may not be used for the purpose of furthering private disputes.
- 2.6** The College will report back the outcome of an investigation and the action proposed to the person raising the claim.

3 Definitions and Scope

- 3.1** This Policy applies to all staff and Corporation Members, who may raise legitimate concerns in confidence. A Senior Line Manager may be consulted by employees on an informal basis if wished. Alternatively, they may prefer to take a formal route direct to the Corporation. If a Corporation Member wishes to raise a concern, this would normally be with the Chair of the Corporation or with the Chair of the Audit & Risk Committee. Issues will include, but not be limited to, the following:

- fraud, financial malpractice, embezzlement;
- corruption;
- theft;
- serious maladministration due to wilful improper conduct;
- unethical behaviours or practices;
- conflict of interest;
- dangerous acts or negligence which constitute hazard to health, safety or the environment;
- abuse of children or vulnerable adults;
- any form of criminal activity.
- Radicalisation or manipulation of others based on any extreme views

- 3.2** Conduct giving rise to a concern may be that of a Member of the Corporation; the Corporation as a whole; a member of staff; or a contractor engaged to carry out work for, or on behalf of, the Corporation. Disclosure will not relate to any matter where the fault is due to poor or deficient management as opposed to malpractice.
- 3.3** The Policy is separate from and does not relate to the existing published Grievance or Complaints Procedures and normally may not be used as a means of airing grievances outside those procedures.
- 3.4** Suffolk New College is committed to the principles of the Modern Slavery Act 2015 and the abolition of modern slavery and human trafficking. As an equal opportunities employer, we are committed to creating and ensuring a non-discriminatory and respectful working environment for our staff. We want all our staff to feel confident that they can expose wrongdoing without any risk to themselves.

Our recruitment and people management processes are designed to ensure that all prospective employees are legally entitled to work in the UK and to safeguard employees from any abuse or coercion.

We do not enter into business with any organisation, in the UK or abroad, which knowingly supports or is found to be involved in slavery, servitude and forced or compulsory labour.

4 Conduct of the Corporation and Openness

4.1 Register of Members' Interests

The Corporation has required its Members to disclose in a published register their own financial interests and, where relevant, non-financial interests and those of members of their immediate families. The requirement extends also to members of College Senior Management Team and their families, the Academic Management Spine, Business Support Managers and Executive Assistants.

4.2 Code of Conduct

All Corporation Members are required to accept and adhere to an agreed and published Code of Conduct.

5. Disclosure within the College

5.1 The College will ensure that its internal arrangements and procedures will be adequate to deal with allegations of malpractice and wrongdoing. Informally, the confidential advice and evaluation of a Senior Member of College Management (for example, a member of Executive Team, a Principal, Deputy Principal, Deputy CEO, Directors, Heads, the Head of Governance may be helpful to an employee who believes there is an issue to be answered. Alternatively, the advice of a senior officer of the appropriate recognised trade union may be sought. The Trade Unions recognised by the Corporation have been consulted concerning this Policy. However, the discloser may choose to proceed direct to the formal process detailed in 5.2.

5.2 If a discloser formally pursues a complaint, the following procedural framework is in place to provide designated persons as investigating officers at all levels to preclude any individual or body from being above, or immune from responding to, any allegation.

Allegation against:

Any staff member

The Head of Governance

The Principal/CEO

Allegation reported to:

The Principal

The Chair of the Corporation

The Chair of the Corporation

An individual Member of the Corporation

The Chair of the Corporation

The Chair of the Corporation

The Chair of the Audit & Risk Committee of the Corporation

6 Procedure and Process Under the Policy

6.1 Making an Allegation

Any allegation should ideally be made in writing by means of a letter or email to the appropriate person as designated in 5.2. If this is not possible then a disclosure can also be made verbally over the phone or face to face. The designated person receiving the disclosure will acknowledge the allegation in writing within five working days of receipt. All correspondence connected with the allegation will be directed to the staff member's (hereafter referred to as "the discloser") home address. At no time will internal mail or e-mail be used in this connection.

6.2 Investigation

The designated person (hereinafter referred to as "the investigator") who receives the allegation ("the complaint") will have responsibility for its investigation and must have direct access to the Corporation. Should the investigator decide there is a need for specialist advice, he or she may refer to a source outside the College such as the College auditors or solicitors. Similarly, the investigator may, in appropriate cases, enlist the assistance of another senior manager in conducting the investigation. Should the allegation be against a Corporation Member, the investigator would normally be the Chair of the Corporation or the Chair of Audit & Risk Committee (as appropriate). An allegation against the Corporation as a whole would normally be referred to the Office of the Secretary of State for Education and Skills.

The conduct of this procedure will be subject to strict confidentiality during the investigative stages.

Where a complaint involves allegations of abuse of children or vulnerable adults, the College's designated safeguarding officer shall be informed and advice taken from Local Area Designated Officer and or the Police as to how best to proceed.

In all investigations the identity of the discloser will be kept confidential if they so wish unless, or until such time as there is an overriding reason why their identity should be revealed (for example, to make a witness statement as part of any inquiry). However, any allegation should be made known to the individual(s) concerned, together with

supporting evidence so that they have an opportunity to make a response.

The investigator will normally be required to inform the police if criminal activity is suspected. (Note: if the investigator is someone other than the Chair of the Corporation or the Principal, he or she must inform the Chair and the Principal (unless either is involved) immediately the police are informed).

Once the investigative process is complete, interested parties will have access to the records of the proceedings and, where appropriate, these may be used by the discloser in order to take the matter further as provided for in 6.4 and 6.5.

6.3 Timescale

The investigator will make all efforts to expedite the inquiry. However, the timescale must of necessity remain flexible due to the potential diversity and seriousness of concerns needing investigation. Should the investigation become protracted, the investigator will keep the discloser informed in writing of progress made and a predicted date for any outcome.

Once the outcome of the investigation is known, the discloser must be informed in writing, by the investigator, of the action the College will take to deal with the complaint (subject to third party rights, as appropriate).

6.4 Access to the Corporation

A discloser who has reason to believe that his or her complaint is not being dealt with effectively (or considers the response to be improper) has the right to refer the complaint, in confidence, direct to the Chair of the Corporation (or the Chair of the Audit & Risk Committee, as appropriate). Written notification of such action should be given to the designated investigator (if any).

6.5 Access to External Bodies

6.5.1 In the event that a discloser is not satisfied at the outcome of an investigation or where the complaint is against the Corporation as a whole, he or she has the right of access to an external body, such as the College Internal Auditors, Solicitors or the Secretary of State's Office.

6.5.2 When internal procedures have been followed and exhausted, the discloser is recommended to seek confidential advice from the Head of Governance (unless they are the subject of the complaint).

6.6 Anonymous Allegations

The College management and Corporation feel confident that the individual designated to receive any disclosures or complaints are able to support and protect anyone disclosing and therefore disclosures are encouraged to include their personal details. Anonymous complaints are more difficult to investigate and also provide no opportunity to follow up with the discloser both in terms of more information and also to confirm what the outcome of the investigation is. There is also a risk that anonymous complaints could be misinterpreted as being mischievous or malicious. However, if an anonymous complaint is received then it will be investigated as far as possible and it is likely that the investigation will need to be adjusted to take into consideration the fact that the issue has been disclosed in this way.

6.7 Malicious Allegations

The making of a deliberately false and malicious allegation by staff will be treated as gross misconduct and dealt with by the College's Staff Disciplinary Procedure. Complaints of this nature by people other than staff will be dealt with by either student policies as appropriate, or in circumstances where they involve members of the public, the college reserve the right to refuse to continue any contact on a matter and entry for this person or persons onto the college site.

Agreed by Corporation on an annual basis.