



Whistleblowing Policy and Procedure

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Consulted with: Trade Unions
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1. Purpose

This policy aims to enable and encourage staff to raise concerns within ENDC. It recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998 and any subsequent legislation, as incorporated into the Employment Rights Act 1996. Other individuals performing functions in relation to ENDC are also encouraged to use it (e.g. governors, volunteers and agency workers).

ENDC is committed to creating a safe, open and transparent workplace culture, where employees are encouraged to raise concerns at the earliest opportunity. We recognise that employees/workers are often the first to realise that there may be something seriously wrong within an organisation.

It is important to us that any fraud, misconduct, harassment or wrongdoing by workers or employees of the organisation is reported and properly dealt with. ENDC is committed to tackling malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If cases of wrongdoing are upheld, they will be dealt with seriously.

ENDC encourages staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Workers will be listened to, and serious concerns will be investigated. This policy allows workers to take the matter further if they are dissatisfied with the response and aims to reassure staff that they will be protected from harassment or victimisation from co-workers or from ENDC for raising concerns in good faith.

It is important that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. ENDC therefore encourages all individuals to raise any concerns that they may have about the conduct of others within ENDC 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 and Scope of Policy

This policy applies to all staff including temporary, casual and agency staff, work experience, trainees and apprentices. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also encouraged to use it.

For the purpose of this policy, ENDC recognises that whistleblowing is the passing on of information about wrongdoing at work. The whistleblower must reasonably believe that they are acting in the public interest.

The Public Interest Disclosure Act 1998 provides protection for employees/workers who raise legitimate concerns in the public interest, 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 one of the following is being, has been, or is likely to be, committed:

- a criminal offence (such as insurance fraud or illegal tax evasion);
- a miscarriage of justice;
- an act creating risk to health and safety of any individual;
- an act causing damage to the environment;
- harassment;
- a breach of any other legal obligation; or
- deliberate concealment of any of the above;

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 ENDC'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, purely because they have made a disclosure.

ENDC 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 manager or the People team.

SLT – Senior Leadership Team

Independent Advice and Support

If you are unsure whether to use this procedure or if you want to take independent advice at any stage you may find it helpful to contact the UK's whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. <https://Protect-advice.org.uk> (Tel: 020 3117 2520). Their advisers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. They will support you and advise you on the law and how best to proceed. This is a confidential service.

UK government advice on Whistleblowing for employees www.gov.uk/whistleblowing

ACAS guidance on 'Whistleblowing – Public Interest Disclosure' [The law - Whistleblowing at work - Acas](#)

3. 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.
- Making a false or malicious 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 Grievance policy.

4. 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 Head of Governance (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 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. A full list can be found at:

www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies.

They 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
- the Information Commissioner
- the Equality and Human Rights Commission
- the Auditor General

5. Data Protection

When an individual makes a disclosure, ENDC 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.

6. Law and duties 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
 Human Rights Act (1998)
[Government guidance on managing public money](#)

7. Associated Documentation

Grievance Policy & Procedure
 Disciplinary Policy & Procedure
 Data Protection Policy
 Anti-fraud Policy
 Anti-bribery Policy

8. 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.

9. Equality Analysis

10.1. Is your policy equality-relevant? If yes, please list which groups of people will be affected by this policy.

All staff, contractors, workers and Governors are affected by this policy.

10.2. How have you involved people from minority groups who may be affected by this policy?

This policy has been prepared with feedback from ELT and Union representatives. These groups include both male and female members and some members who have declared a disability.

Characteristic	How does your policy help fulfil the public-sector duty?
Disability	<p>This policy encompasses fairness and equality for all groups of staff. The aim of the policy is to ensure that all staff know how and who they can raise protected disclosures with. These disclosures are made at the highest level of the organisation.</p> <p>The policy advances equality because it could be used to raise concerns of unfair treatment or institutional harassment against groups of people with a protected characteristic.</p>
Age	
Sex	
Pregnancy & Maternity	
Marriage and Civil Partnership	
Race	
Religion and belief	
Sexual Orientation	
Gender Reassignment	