



**Cheshire College  
South & West**

## Whistleblowing Policy

Key Information	
Policy Reference Number	CCSW - WHB
ELT Post Responsible for Update and Monitoring	Principal / CEO
Published on Website	Yes
Date approved by ELT	26 September 2023
Date Approved by Governor's Committee (if applicable)	03 October 2023
Date of EIA Review	26 September 2023
Date of Next Policy Review	30 June 2026

## **1. Purpose of this Policy**

- 1.1 The purpose of this policy is to encourage disclosure of concerns about malpractice in the College so that those concerns can be investigated, without fear of reprisals, so long as the concerns are genuine and made in the public interest. The meaning of 'malpractice' is explained in *section 2*.
- 1.2 This policy will not discriminate either directly or indirectly against any individual on the grounds of gender, race, ethnicity or nationality, sexual orientation, marital status, religion or belief, age, disability, socio-economic status or any other personal characteristic.

## **2. Scope of this Policy**

- 2.1 This policy applies to all staff including agency staff, volunteers, contractors, and also to members of the Corporation and its supporting committees.
- 2.2 There are existing procedures in place to enable employees to raise grievances about their personal employment situation. This policy is not intended to cover concerns that fall within the scope of those other procedures, nor to provide a means of review or appeal against individual management decisions unless in each case they involve malpractice. There is no legal definition of 'whistleblowing' or of 'malpractice'.
- 2.3 Whistleblowing can be described as the action of an individual exposing evidence of wrongdoing in the context of the workplace. For this policy, 'malpractice' in relation to the College means:
  - 2.3.1 fraud, theft, corruption, bribery or other financial irregularities;
  - 2.3.2 other criminal activities or dishonesty;
  - 2.3.3 failure to comply with a legal obligation, the staff code of conduct, the financial regulations or the Corporation's Standing Orders;
  - 2.3.4 a miscarriage of justice;
  - 2.3.5 creating or ignoring a serious risk to health, safety or the environment; and
  - 2.3.6 the deliberate concealment of any of the above matters (*whether by other employees, contractors, the public or members of the Corporation*).

## **3. Procedure for Raising Concerns**

- 3.1 Genuine concerns about suspected malpractice affecting any of the College's activities should be raised at the earliest opportunity.
- 3.2 The College engages an external third-party confidential whistleblowing reporting service called "*SeeHearSpeakUp*". The service operates 24 hours a day, 365 days a year enabling matters to be reported without fear.
- 3.3 Concerns should be raised by calling freephone 0800-988-6818 setting out the background, history and reasons for the concern, giving names, dates and places where possible.
- 3.4 If the caller does not want their name to be disclosed to the perpetrator of the alleged malpractice, the person(s) allocated to investigate the matter will not do so without the whistleblower's prior approval. However, if the investigation process is to be carried forward effectively, the whistleblower's identity may have to be revealed and a statement required as part of the evidence.
- 3.5 Information from "*SeeHearSpeakUp*" will be directed to the Executive Director of Organisational Development & Human Resources (OD&HR).
- 3.6 The Executive Director of OD&HR will then inform the Executive Leadership Team (ELT). If this is inappropriate, perhaps because of the seriousness of the allegations or because of who is believed to be involved, concerns should be raised with the Principal/CEO. If this too, is inappropriate, concerns should be raised with the Chair of the Corporation (directly or through the Clerk to the Corporation) or the Chair of the Audit & Risk Committee of the Corporation. In any case involving an allegation of fraud or other financial

irregularities, the Chair of the Audit & Risk Committee should also be notified. The College's Anti-Fraud & Bribery Policy should also be considered.

3.7 If the allegation is an accusation of abuse, then the Safeguarding Procedures should be followed.

3.8 A flow chart of the whistleblowing process is shown in *Appendix 2*.

#### **4. The College's Response**

4.1 The action taken by the College will depend upon the type of concern. The matters raised may be:

4.1.1 investigated internally;

4.1.2 reported to the police (*this will normally be the case if criminal activity is suspected*), the internal or financial statements auditors, or the Education Skills Funding Agency (ESFA); or

4.1.3 any combination of the above.

4.2 Initial enquiries will be made promptly to decide whether an investigation is appropriate and, if so, what form it should take. Concerns which fall within the scope of specific procedures (*for example, harassment or discrimination issues*) will normally be referred for consideration under those procedures.

4.3 Some concerns may be resolved by agreed action without the need for investigation.

4.4 Within ten working days of the concern being received, the whistleblower will normally receive an acknowledgement from the College. Thereafter, while it is not possible to stipulate specific timescales due to the nature of investigations of this type, the whistleblower will be kept generally informed on how the matter is to be dealt with and the progress and outcome of the investigation.

4.5 The amount of contact between the person(s) considering the reported concerns and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the whistleblower.

#### **5. Escalation**

5.1 This policy is intended to provide a way of raising concerns within the College. If, having used the process above the whistleblower is not satisfied with how the matter has been addressed they have the right to take the matter outside the College and the following are possible contact points:

5.1.1 the financial statements auditors;

5.1.2 a legal adviser;

5.1.3 the police;

5.1.4 a member of parliament; or

5.1.5 a trade union;

5.2 In addition, **'Protect'**, an independent, non-statutory charitable body, provides advice to individuals with concerns about malpractice at any time. (*See Appendix 1*).

#### **6. Protection for Whistleblowers**

6.1 The College will take reasonable action to protect the whistleblower when a concern is raised which the whistleblower reasonably believes to be in the public interest. Such action will be as follows:

6.1.1 confidentiality clauses in contracts of employment will not be applied to the raising of such concerns under this policy; and

6.1.2 any action designed to prevent or deter an individual from raising a genuine concern of malpractice or to victimise an individual for doing so will be regarded as a serious disciplinary offence.

6.2 Unless proved otherwise it will be assumed that the person using this policy has a genuine concern and is not making the disclosure for personal gain or out of personal motive, even if an investigation results in the concern

proving unfounded, provided that the person using this policy had reasonable grounds for believing that the information disclosed indicated the commission of malpractice.

- 6.3 Staff must not suffer any detrimental treatment because of raising a genuine concern. If an individual believes that they have suffered any such treatment they should inform the Principal/CEO immediately. If this is inappropriate, they should inform the Chair of the Corporation (directly or through the Clerk to the Corporation) or the Chair of the Audit & Risk Committee of the Corporation.
- 6.4 If the matter is not resolved, the option to raise a formal grievance is available.
- 6.5 This protection does not mean that if an individual is already the subject of disciplinary or other procedures relating to their employment, that those procedures will be halted because of the whistleblowing.
- 6.6 Abuse of this policy by the **malicious** raising of unfounded allegations will be considered a serious disciplinary offence.

## **7. Anonymous Complaints**

- 7.1 Concerns expressed anonymously are much less powerful, can be difficult to investigate effectively and may deprive those alleged to be guilty of malpractice of part of the means by which to defend themselves. Anonymous complaints may, however, be considered at the discretion of the College, considering the nature and seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.
- 7.2 Recipients of anonymous complaints should refer them to the Principal, who may, after considering the above factors, discuss the matter, initially informally, with the subject of the complaint. If the Principal is satisfied that the complaint is totally without foundation, the complaint will be destroyed. If the complaint relates to the Principal/CEO, it should be referred to the Chair of the Corporation or the Chair of the Audit Committee of the Corporation, who will, after considering the above factors, treat the complaint in the same way as above.

## **8. Monitoring**

- 8.1 The Corporation will monitor the reporting of concerns under this policy through the Audit & Risk Committee.

# Appendix I

## Contact Details

### 1. Corporation

#### Chair of the Corporation:

Lesley Davies CBE  
C/O The Clerk to the Corporation  
Cheshire College South and West  
Dane Bank Avenue  
Crewe  
Cheshire  
CW2 8AB  
Tel: 01270 654633

#### Chair of the Audit & Risk Committee:

Mr Fintan Bradley (*contact as above*)

### 2. Financial Statements Auditors:

#### Haines Watts Birmingham LLP

5-6 Greenfield Crescent  
Edgbaston  
Birmingham  
B15 3BE

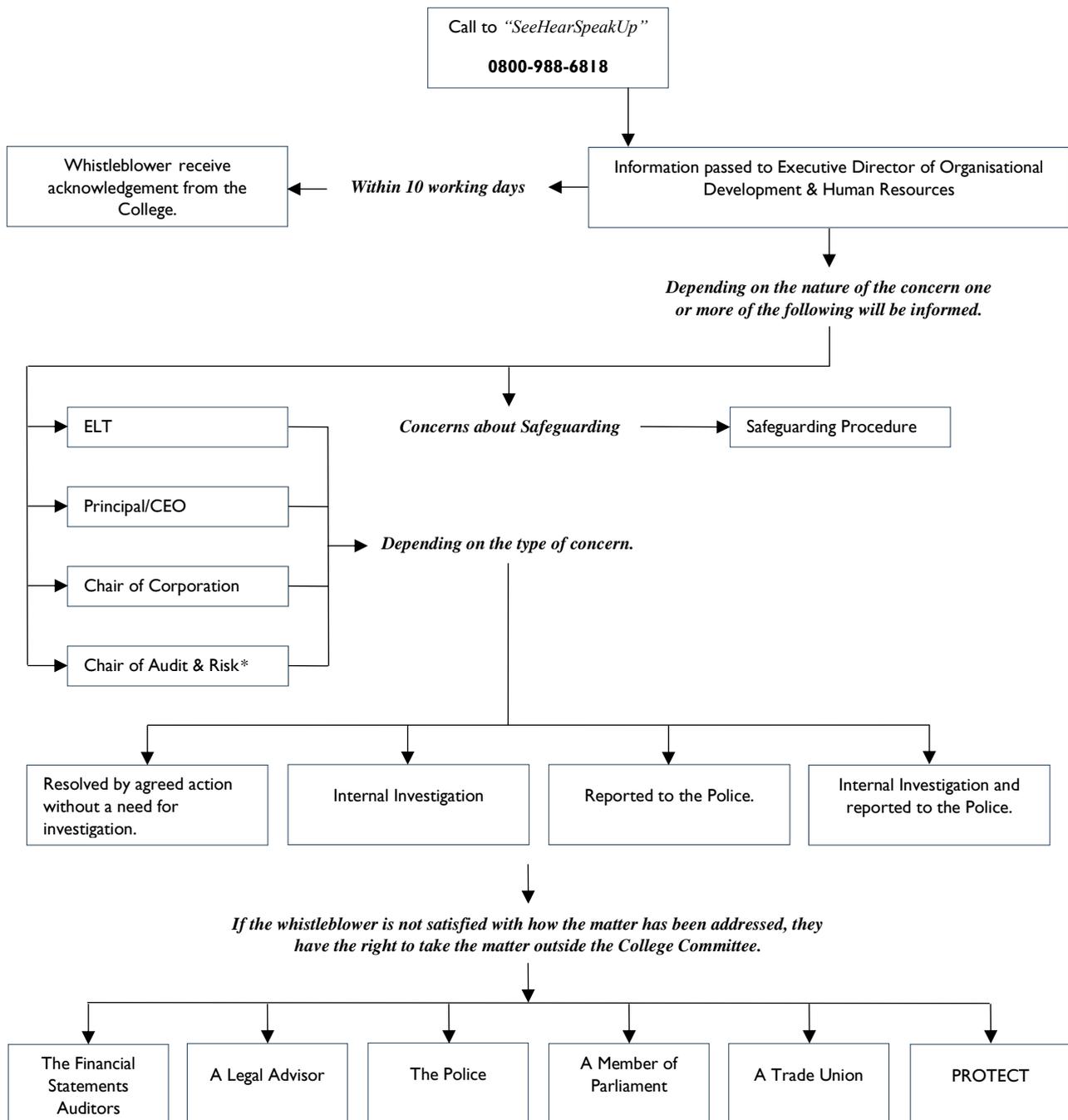
### 3. PROTECT

The Green House  
244-254 Cambridge Heath Road  
London E2 9DA

<https://protect-advice.org.uk/>

# Appendix 2

## Whistleblowing Process Flowchart



\* Allegations of fraud or other financial irregularities should always be reported to the Chair of the Audit & Risk