



QMS POLICY

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WHISTLEBLOWING POLICY

QUALITY STATEMENT

“The Engineering College Quality Management System operates to support and guide staff, learners and employers in effective engagement with the services and products provided by the organisation, seeking to ensure a consistent and continuously improving quality experience to exceed the user’s expectations”.

Our Vision

“To inspire a new generation of Engineers.”

Our Mission

“Delivering outstanding technical training and assessment, connecting industry with education”.

Our Values

“To act professionally with integrity and strive for excellence”.

1. INTRODUCTION:

- 1.1** The Engineering College is fully committed to the highest standards of openness, probity and accountability, seeking to conduct its affairs in a responsible and ethical manner and will take any claims of malpractice seriously. This policy is to provide a process for employees, those staff engaged by the College through an agency, students, governors or any individual to raise genuine and legitimate concerns of suspected bribery, breaches of the law and other serious wrongdoings. This policy and procedure is intended to provide safeguards to enable persons to raise concerns about malpractice in connection with the College.



QMS POLICY

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- 1.2** The College encourages the raising of genuine concerns about suspected wrongdoing at the earliest practicable stage.
- 1.3** Whistleblowing does not include grievances about an individual's personal employment or learning situation or for furthering any private dispute. This procedure is not designed to generally question financial, or business decisions taken by the college unless these decisions fall within the above definition. It may not be used to consider any matters which should be addressed under existing procedures or used to reconsider any matters that have already been addressed under these procedures.
- 1.4** This procedure should be used if you discover serious malpractice or impropriety within the College. If you are unsure about whether the practice, you have discovered is deemed serious malpractice you may wish to seek the confidential advice of the independent charity 'Protect' (previously known as Public Concern at Work) on 020 3117 2520 or complete an online form at <https://www.protect-advice.org.uk/contact-protect-advice-line>.

Serious malpractice may be defined as:

- Fraud
- Financial irregularities
- Corruption
- Bribery
- Dishonesty
- Miscarriage of justice
- Criminal activity or failing to comply with a legal obligation
- Creating or ignoring a serious risk to health and safety

- 1.5** Any concerns about malpractice should always be raised internally in the first instance without fear of adverse repercussions being taken.
- 1.6** The law allows you to raise such concerns externally and this Policy informs you how you can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.



QMS POLICY

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- 1.7** This policy and procedure also seek to balance the need to allow a culture of openness against the need to protect other employees, workers and students against allegations which are not well-founded.
- 1.8** The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.9** Students at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the relevant College Manager

2. APPLICABILITY OF THIS POLICY AND PROCEDURE:

- 2.1** This policy applies to all employees and students of the College, including apprentices; and
- 2.2** 'workers' which includes any casual workers, and employees of subcontractors; and
- 2.3** Agency employees and workers engaged by the College.
- 2.4** Individuals might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any employee/worker in this situation is encouraged to approach the Human Resources Manager in confidence for advice.

3. PROTECTED DISCLOSURES:

- 3.1** The law protects employees/ workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice which they reasonably believe involve an issue of public interest.



QMS POLICY

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- 3.2** The law allows employees/workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected disclosure' must, in the reasonable belief of the employee/worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4. SPECIFIC SUBJECT MATTER:

If, in the course of employment, you become aware of information which you reasonably believe tends to show one or more of the following, you must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5. PROCEDURE FOR MAKING A DISCLOSURE:

- 5.1** If you think that malpractice of the type listed above is happening in the College you should, in the first instance, refer to the College's Malpractice Policy and, in confidence, contact your line manager. Alternatively, you may contact the relevant senior manager or Chief Executive Officer directly.

If the complaint is about the Chief Executive Officer, the disclosure should be made to the College Board.



QMS POLICY

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If you have reason to believe that any board member may be implicated in the malpractice then you should contact either the S.F.A, Ofsted or the awarding body concerned.

Anybody who has a concern regarding malpractice/maladministration can also contact the awarding bodies direct to inform them of their concerns. Awarding bodies such as ECITB, Pearson, EAL and City and Guilds will have their own malpractice/maladministration/whistleblowing policies and the college policy is designed to support these.

Those notified of a concern:

- Have a responsibility to ensure that concerns raised by a discloser are taken seriously
- Should where appropriate investigate properly and make an objective assessment of the concern
- Should keep the discloser advised of progress
- Have a responsibility to ensure that the action necessary to resolve a concern is taken.

5.2 You are encouraged to identify yourself when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymized disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure.
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

5.3 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, you should speak in confidence to the Chief Executive Officer.



QMS POLICY

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6. PROCEDURE FOR INVESTIGATION OF A DISCLOSURE:

- 6.1** When someone makes a disclosure, the College will acknowledge its receipt, in writing, within the guidelines within the malpractice policy
- 6.2** The College will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the person will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy and procedure.

Considerations to be taken into account when making this determination may include the following:

- If the College is satisfied that the complainant does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate College procedure.

- 6.3** When a disclosure which has sufficient substance or merit warranting further action is made, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigations; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive, or the Chief Executive Officer

If you feel that the person responsible for the investigation is not dealing with the matter properly you should raise it, in confidence, with the Chair of the College Board. The Individual/s will be informed that a complaint has been received by confidential letter. As a result of the investigation other internal procedures may be involved.



QMS POLICY

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- 6.4** If appropriate, any internal investigation could be conducted by a) the office most appropriate to the disclosure, or b) a manager of the College without any direct association with the individual to whom the disclosure relates, or c) by an external investigator appointed by the College as appropriate. Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or the Chief Executive Officer, to investigate the concern.

The person investigating your complaint will send you a written acknowledgement of your concern within seven working days of receiving the complaint. You will be kept informed of the progress of the investigation, the outcome of the investigation and any proposed action. You will be told, as far as possible and subject to third party rights, the outcome of any action taken. Any correspondence will be sent to your home address and not via the College internal mail.

If you disagree with the decision taken you should discuss the matter with the Chief Executive Officer within 10 working days. They will make a final decision on the action to be taken and notify the worker making the disclosure.

You have the right of access to an appropriate external body from those listed at the end of this procedure, but this recourse should only be used when all internal procedures have been exhausted and where the disclosure can be deemed in the public interests i.e., in the interests of protecting the public.

Under no circumstances should you talk to the media as such a step could have serious implications for the College as a whole

7. SAFEGUARDS FOR PERSONS MAKING A DISCLOSURE:

- 7.1** The College will treat all such disclosures in a confidential and sensitive manner. The person or persons against whom you have made an allegation will normally be told of it, the evidence provided to support it and will be allowed to comment before further investigation is made or the action concluded. You have the right to have the matter treated confidentially and not to have your name disclosed during the course of the investigation without your prior approval. However, the investigation process may reveal the source of the information and you may need to provide a statement as part of the evidence required.



QMS POLICY

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- 7.2** If you make an allegation in good faith, which is not confirmed by the subsequent investigation, no action will be taken against you. If you use the 'whistleblowing' procedure knowingly to make false or malicious accusations without proof or evidence to support the allegation(s) you will be committing a disciplinary offence as wilful misuse of this procedure will constitute an act of gross misconduct and may lead to your dismissal.
- 7.3** You will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy and procedure. Equally, if you are threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague

8. DISCLOSURE TO EXTERNAL BODIES:

- 8.1** You have the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.
- 8.2** A disclosure may be made to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found on the UK Government website at <https://www.gov.uk/whistleblowing>
- 8.3** Disclosures can be made on a confidential basis to a practicing solicitor or barrister.
- 8.4** If you seek advice outside of the College, care must be taken not to breach any confidentiality obligations or damage the College's reputation in so doing.

9. ACCOUNTABILITY:

- 9.1** The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the Board on an annual basis as appropriate.



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10. FURTHER ASSISTANCE FOR PERSONS MAKING DISCLOSURES:

- 10.1** The College will not tolerate any harassment or victimisation of persons who make disclosures. If you feel you have been victimised or deterred from raising your concerns this matter must be made known to the person investigating your complaint. If this is proven the matter will be treated seriously and will be regarded as a serious disciplinary offence.
- 10.2** You may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Human Resources Manager. Such a request would be made in confidence.
- 10.3** You can contact the charity the following organisations for confidential advice on whistleblowing issues. Contact details are as follows:

Protect (previously known as Public Concern at Work)

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

Whistleblowing Advice Line: 020 3117 2520 <https://www.protect-advice.org.uk>

Health & Safety Executive (Northwest)

Health and Safety Executive, Redgrave Court, Merton Road, Bootle,
Merseyside L20 7HS

Tel: 0845 300 9923 <https://www.hse.gov.uk>

Safeguarding of Children

Royal Exchange Buildings, St Anne's Square, Manchester, M2 7LA

OFSTED Whistleblowing Hotline: 0300 1233155

Email: whistleblowing@ofsted.gov.uk



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EQUALITY AND DIVERSITY POLICY OF THE COLLEGE

All individuals will be treated equally and fairly in the application of this Policy.

All reasonable requests to accommodate requirements in terms of protected characteristics or reasonable adjustments will be accommodated, as long as it is practicable to do so.

DIFFERENCE BETWEEN A PERSONAL GRIEVANCE AND A WHISTLEBLOWING COMPLAINT:

A grievance will concern an employee personally, i.e. the individual may have a complaint about:

- His or her pay or working hours
- The amount of work that he or she is expected to do
- Working conditions, or
- Being bullied by fellow workers.

A protected disclosure, on the other hand, will concern the conduct of another person in the workplace (whether or not that conduct affects the discloser personally), in circumstances where the discloser genuinely believes that the conduct in question amounts to a criminal offence, a breach of a legal obligation, or something likely to endanger health or safety or damage the environment.

Examples of the difference between a grievance and a protected disclosure:

GRIEVANCE	PROTECTED DISCLOSURE
An employee's complaint about the type of work that they are being asked to do, for example if it is not covered by their contract	A disclosure that an individual has been instructed to carry out actions that they genuinely believe to be illegal e.g. to falsify a tax return
An employee's complaint that they have received insufficient safety training.	A disclosure that safety rules within the workplace are routinely being flouted, thus endangering safety
An employee's complaint about the hours that they are expected to work	A disclosure that the requirements imposed by the company on a group of staff represent a breach of the working time legislation



ENGINEERING COLLEGE

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SOME 'DOS AND DON'TS':

Do.....	Don't.....
... encourage an individual who has come forward to disclose some sort of wrongdoing to explain fully the evidence that they have of the wrongdoing.	... get angry or defensive if an individual raises allegation of malpractice within an organisation
... ask the whistleblower to provide specific examples of the conduct that they have observed, or the evidence obtained to support the allegations of malpractice.	... allow personal views about the whistleblower to influence the assessment of the allegations that they are making
... distinguish between facts and opinions	... react negatively to a disclosure, or adopt a judgmental attitude
... appreciate that it can be very stressful for the person alleging wrongdoing.	... dismiss an employee's disclosure as an exaggeration, or as trivial, unless there is clear evidence that the allegations are unfounded
... let the whistleblower know that they have the College's support	... attempt to suppress evidence of wrongdoing
... listen attentively to what the employee has to say and take it on board	... penalise an individual for making a disclosure that proves unfounded if, despite making a mistake, they had reasonable grounds to suspect the wrongdoing.

11. POLICY REVIEW:

The Engineering College has the right to revise and update policies as required. All employees, learners and stakeholders will be notified and updated on the policy changes and expected to comply.