

## **Whistleblowing: Policy and Procedure**

ELT / SLT responsibility:	Executive Director of Human Resources, Organisation Development & Marketing		
Applies to:	<ul style="list-style-type: none"> <li>• All RNN Group Employees</li> <li>• National Fluid Power Centre Employees</li> <li>• RES Employees</li> <li>• RES Workers</li> <li>• External Agency Staff</li> <li>• Contractors</li> <li>• Volunteers</li> <li>• Student Teachers</li> <li>• Work Experience</li> </ul>		
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Approved by:	<ul style="list-style-type: none"> <li>• Joint Consultative and Negotiating Committee</li> </ul>		
Approved by:	<ul style="list-style-type: none"> <li>• Executive Leadership Team</li> </ul>		
Approved by:	<ul style="list-style-type: none"> <li>• RNN Group Board</li> </ul>	Approval date:	27 <sup>th</sup> March 2023
Related documents:	<ul style="list-style-type: none"> <li>• Code of Conduct Policy</li> <li>• Feedback and Complaints Policy</li> <li>• Disciplinary Policy and Procedure</li> </ul>		
<b>EQUALITY IMPACT ASSESSMENT</b>			
Approval date:	21 <sup>st</sup> October 2022		
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## **1 Scope and purpose**

- 1.1 This policy and procedure shall apply to all employees including “designated senior post holders” as defined in the Corporation’s Articles of Governance and those newly appointed and in their probationary period. It shall also apply to all RES employees and workers, external agency staff, contractors, volunteers, student teachers and those undertaking work experience.
- 1.2 The policy and procedure will be applied in accordance with relevant UK legislation.
- 1.3 The policy and procedure aims to set out rights, entitlements and obligations of all employees and to help and encourage them to achieve acceptable standards of behaviour at work and to ensure that a fair and consistent approach is taken in relation to dealing with unacceptable standards of behaviour at work.
- 1.4 This policy and procedure does not form part of the employee’s contract of employment and so the right is reserved to depart from the contract of employment where appropriate.
- 1.5 This policy does not cover personal grievances including complaints about employment matters which are covered under the Grievance Policy.

## **2 General Principles**

- 2.1 “Whistleblowing” is the term used to describe situations where employees report concerns in respect of suspected illegal acts, serious breaches or failure to take appropriate action.
- 2.2 The purpose of this policy is to explain how employees can make a whistleblowing disclosure and what steps the RNN Group will take in the event that a disclosure is received.
- 2.3 The RNN Group is committed to the highest possible standards of openness, transparency and accountability. We encourage employees to use this policy to disclose anything they think falls under the definitions of “whistleblowing”.
- 2.4 If you are thinking of raising a concern, you should read this policy first as it explains:
  - a) The type of issues that can be raised.
  - b) How the person raising a concern will be protected from victimisation and harassment.
  - c) How to raise a concern and what steps the RNN Group will take to deal with any such concerns.
- 2.5 This policy is not intended to replace existing procedures, therefore if your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures.
- 2.6 If a person has a concern about services provided, the usual complaints process should be followed.

### **3 Definition of 'Whistleblowing'**

- 3.1 Whistleblowing is the term used to describe situations where employees report concerns in respect of suspected illegal acts, serious breaches or failure to take appropriate action.
- 3.2 To count as "whistleblowing", the employee must have a reasonable belief that what they are disclosing is one or more of the following:
- a) A criminal offence.
  - b) A miscarriage of justice.
  - c) A risk to health and safety.
  - d) An act causing damage to the environment.
  - e) A breach of any other legal obligation.
  - f) Concealment of any of the above.
- 3.3 The aim of the Policy is to encourage employees (and others who have serious concerns about any aspect of the RNN Group's work) to come forward and voice those concerns. Employees are often the first to realise that there may be something seriously wrong within the organisation and Whistleblowing is seen as a positive act that can make a valuable contribution to the organisation's efficiency and long-term success.
- 3.4 If you are thinking of raising a concern, you should read this policy first as it explains:
- a) The type of issues that can be raised.
  - b) How the person raising a concern will be protected from victimisation and harassment.
  - c) How to raise a concern and what the RNN Group will do once a concern has been raised.

### **4 Aim of Policy**

- 4.1 The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the RNN Group without fear of victimisation, subsequent discrimination, disadvantage or dismissal.
- 4.2 It is also intended to encourage and enable you to raise serious concerns WITHIN the organisation rather than ignoring a problem or 'blowing the whistle' outside of the organisation.
- 4.3 The Policy aims to:
- a) Encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice.
  - b) Provide avenues for you to raise those concerns and receive feedback on any action taken.
  - c) Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
  - d) Reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

## **5 Protection for Whistleblowers**

- 5.1 Whistleblowers are protected by law under the Public Interest Disclosure Act 1998. They can't suffer a detriment or lose their job because they have made a disclosure.
- 5.2 The RNN Group wants to make clear that no worker will be victimised for raising a matter under this policy. Any concerns raised will be taken seriously and any employee will receive full support. This means that the continued employment and opportunities for future promotions or training will not be affected for any employee who makes a disclosure.
- 5.3 Disciplinary procedures will only be used if:
- a) Anything or anyone victimises a whistleblower.
  - b) A whistleblowing disclosure is maliciously false.
  - c) Anyone tries to cover up wrongdoing, or remains silent on issues which they know, or should reasonably have known are wrong.

## **6 Making a Disclosure**

- 6.1 Any serious concerns that you have about service provision or the conduct of employees, managers or Governors at the RNN Group that:
- a) Make you feel uncomfortable in terms of known standards.
  - b) Are not in keeping with the RNN Group's policies or values.
  - c) Are improper behaviour.
- 6.2 These might relate to:
- a) Conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation).
  - b) Racial, sexual, disability or other discrimination.
  - c) Health and safety of the public and/or other employees.
  - d) Damage to the environment.
  - e) Unauthorised use of RNN Group funds or other assets.
  - f) Possible fraud and corruption.
  - g) Neglect or abuse of learners.
  - h) Other unethical conduct.

This list is not exhaustive.

- 6.3 This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to provide you with any necessary support, however we do understand in some circumstances this may be appropriate.
- 6.4 Employees should raise an issue they think counts as whistleblowing to a senior manager or to the HR Department. If an employee is concerned that a senior manager is involved in the wrongdoing they should take the matter to the Chair of the Board of Governors. Disclosures can be made verbally or in writing.
- 6.5 The RNN Group will, where possible and subject to identified concerned individuals, acknowledge receipt of the disclosure within 5 working days. The earlier you express your concern, the easier it is to act. You will need to confirm the nature of

your concern and explain why you believe it to be true. You will also need to provide as much background information as you are able.

- 6.6 You may invite your Trade Union representative or a work colleague or a friend to any meetings in connection with the concerns you have raised.

## **7 Investigating a Disclosure**

- 7.1 Investigations into any disclosure will be conducted as quickly as possible, considering any confidentiality requests of the person who has made the disclosure who shall hereinafter be referred to as the Concerned Individual. In any event, the organisation will endeavour to commence investigation into any such matters within 10 working days of the disclosure being made and will inform the Concerned Individual, where identified, within a further 20 working days of the outcome. The person who has made the disclosure will be kept informed of the progress of the investigation from time to time.

*Note: In exceptional circumstances due to complicating factors, these timescales cannot be adhered to, the Concerned Individual will be kept informed and will be notified of the date in which the investigation will be completed by.*

- 7.2 The Designated Investigating Officer will obtain written statements from the Concerned Individual or, in cases where the Concerned Individual has declined to provide their name then their initial written disclosure will be deemed to act as their written statement and/or other parties involved and these will be considered. They will also be asked to comment on any other evidence which was gathered during the course of the investigation and will produce a report upon completion of the investigation of their findings and/or recommended actions. The Concerned individual and/or other parties involved have the right to be accompanied to any such meetings by a work colleague or trade union representative. Minutes of these meetings will be shared with those who attended and asked them to confirm accuracy.
- 7.3 If at any time during the investigation, the Concerned Individual feels that the investigation is not being carried out correctly, they should raise their concerns with the Principal and Chief Executive Officer or the Deputy Principal and Chief Executive Officer in their absence.
- 7.4 The Designated Investigating Officer will then report their findings to the Senior Leadership Team who will take necessary action, including reporting the matter to any appropriate government department or regulatory agency where necessary. If the complaint is in relation to, or there is evidence of involvement in the wrongdoing, the findings should be reported to the Chair of the Board of Governors.
- 7.5 In all circumstances, as far as possible and subject to the third-party rights of the person to whom the complaint was made against, the Concerned Individual will be informed what the outcome of their concern is, including if no actions are to be taken.
- 7.6 If the Concerned Individual is not satisfied with the outcome of the internal investigation, they may raise the matter with a proper external authority. The

legislation sets out a number of bodies to which qualifying disclosures may be made. These include (but are not limited to):

- HM Revenue and Customs - <https://www.gov.uk/contact-hmrc>
- Financial Conduct Authority - <https://www.fca.org.uk/firms/whistleblowing>
- Health and Safety Executive - <https://www.hse.gov.uk/contact/whistleblowers.htm>
- Environment Agency - <https://www.gov.uk/government/organisations/environment-agency>
- Director of Public Prosecutions - <https://contact.cps.gov.uk/>
- Serious Fraud Office - <https://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption/>

## **8. General Data Protection Regulation (GDPR) Policy Statement**

- 8.1 The RNN Group will process the personal information it collected as part of this policy or procedure, only for the lawful purposes originally stated at the point of data collection; in compliance with a legal obligation or if it is necessary to protect the vital interests of the data subject and will take all necessary steps to keep it secure at all times.
- 8.2 The personal data collected will be processed in accordance with the relevant Data Protection legislation (or other pertinent legislation) and the data we collect from the data subject will only be disclosed to other parties for administration of their interaction with the Group; if required by law or with specific consent.
- 8.3 If an agency requires access to a learner record, either during or after its termination, then a formal Subject Access Request must be made to the RNN Group via the data protection team at sar@rnnngroup.ac.uk.
- 8.4 There is no charge for the provision of this information however; the RNN Group may withhold certain information which is exempt from the right of Subject Access.