

Whistle Blowing Policy

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Written/Reviewed by:	
Approved by:	Director of Compliance
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Related Policies/Procedures:	Disciplinary Procedure; Grievance Procedure; Staff Handbook
Policy Owner:	HR Co-ordinator

1. Policy Statement

- 1.1. As an organisation and employer, New College Group (NCG) and any of its related companies recognise that the welfare and wellbeing of the general public and the society as a whole are paramount and of far superior importance than corporate interests or the interests of single individuals. To this end, NCG will always strive to ensure that the organisation is not to gain any unfair advantage to the detriment of the public interest.
- 1.2. This document’s main purposes can be identified as follows:
 - 1.2.1. To encourage a culture of openness within the organisation, among employees, managers and all the individuals with whom NCG come into contact, so that any worker who wishes to make a disclosure should feel safe and protected in doing so.
 - 1.2.2. To set out the procedure whereby NCG employees can make a disclosure.
 - 1.2.3. To reaffirm the rights of the individuals making a disclosure, including anonymity, confidentiality and protection against victimisation.
 - 1.2.4. To comply with the provisions of the Public Interest Disclosure Act 1998 (commonly known as “The Whistle Blowing Act”) and subsequent legislation.
- 1.3. No decision affecting the employment and its terms and conditions will be taken on the basis of whether someone has made a disclosure, provided that such disclosure was not made maliciously or for the purpose of personal gain.

2. Scope of the Policy

- 2.1. The provisions of this document will apply to any individual working for NCG or any of its related companies, regardless of age, gender, nationality and other personal circumstances, who wishes to make a disclosure in the public interest regarding an actual or potential wrongdoing.

- 2.2. It is irrelevant whether the disclosed wrongdoing occurred, occurs or would occur in the United Kingdom or elsewhere, and whether the law applying to it is that of the United Kingdom or of any other country or territory.

3. Definitions

- 3.1. For the purpose of this policy, the following definitions will apply:

- 3.1.1. **Staff Member/Worker/Employee**: Any individual who works, part-time or full-time, under a contract of employment, whether oral or written, express or implied, with NCG or any of its companies, regardless of whether the work is paid or unpaid and carried out on or off NCG premises.
- 3.1.2. **Whistleblowing**: Disclosing/reporting certain types of wrongdoing/malpractice which are in the public interest.
- 3.1.3. **Wrongdoing/Malpractice**: Any actual or potential action, or failure to act, concerning one of the matters listed under the legal definition of Disclosure (section 3.1.5.).
- 3.1.4. **Public Interest**: The welfare and wellbeing of the general public and the society at large.
- 3.1.5. **Protected Disclosure** (as defined in the Public Interest Disclosure Act 1998): Any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following:
- a) That a criminal offence has been committed, is being committed or is likely to be committed.
 - b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
 - c) That a miscarriage of justice has occurred, is occurring or is likely to occur.
 - d) That the health or safety of any individual has been, is being or is likely to be endangered.
 - e) That the environment has been, is being or is likely to be damaged. Or
 - f) That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

4. General Principles

- 4.1. Public interest will always come first and be considered of superior importance to private interest (including the organisation's own interests).
- 4.2. NCG will never condone or tolerate any form of wrongdoing/malpractice under any circumstances.
- 4.3. Every NCG worker has the right to "blow the whistle" in the public interest and NCG will always encourage and support those disclosing information about any form of wrongdoing/malpractice.

4.4. Any disclosure will be treated seriously and investigated thoroughly.

5. How to make a Disclosure

5.1. Internal disclosure:

5.1.1. Any worker who wishes to make a disclosure can approach:

- i) The HR Co-ordinator;
- ii) The person who has a legal/contractual responsibility on the matter that is being disclosed;
- iii) The Managing Director if, for instance, the HR Co-ordinator or the person who is legally/contractually responsible on the matter disclosed are thought to be involved in the actual or potential wrongdoing.

The person to whom the disclosure has been made will decide whether to handle the matter personally or appoint someone else. If someone else is appointed, the worker will be informed of the identity of the appointed person, but the appointed person will not be informed of the identity of the worker if the latter wishes to have their identity protected.

5.1.2. The disclosure can be made orally or in writing. In any case, the worker making the disclosure should:

- i) Assess beforehand whether the disclosure is in the public interest;
- ii) Report the facts of the matter as clearly and factually as possible;
- iii) Disclose if they have a direct or personal interest in the matter;
- iv) Declare whether they wish their identity to be protected – i.e. be kept confidential;
- v) Provide contact details and declare how they wish to be contacted.

5.1.3. The worker who has made a disclosure can expect the person to whom the disclosure has been made, or the appointed person, to:

- i) Assess whether the disclosure is in the public interest. If not, the matter may be dealt with under other company policies;
- ii) Set a timescale within which the matter is proposed to be handled. The timescale may vary depending on the seriousness of the matter disclosed, the number of individuals involved, the extent of the investigation, and any other factor(s) that may influence the outcome of the investigation;
- iii) Write a summary of the actions/steps that will be taken;
- iv) Investigate the matter fairly and thoroughly. As part of the investigation, a deadline must be set for other employees to come forward with relevant

information. To encourage the disclosure of such information that may be self-incriminating, the company may offer in return protection against dismissal or damages claims (but not protection against prosecution);

- v) Provide as much feedback as possible without infringing the duty of confidentiality owed to other individuals involved in the investigation.

5.2. External disclosure:

5.2.1. Any NCG worker has the right to make an external disclosure if they feel that they cannot raise a concern internally because of one of the following reasons:

- i) They feel that the disclosure will lead to an internal cover up of the matter;
- ii) They believe that they may suffer unfair detriment if they raise a concern; or
- iii) After having raised a concern internally, they are dissatisfied with the outcome of the internal investigation.

5.2.2. An external disclosure is considered acceptable and supported by NCG when made to a Prescribed Person, which is a government appointed person or body dealing with concerns of malpractice. The Prescribed Person to whom the disclosure is made must be chosen in accordance with the nature of the issue that is being raised. A list of Prescribed Persons can be found here: <http://bit.ly/1d9mzwW>.

5.2.3. A worker is entitled to make an external disclosure to a Prescribed Person regardless of whether their contract of employment contains a confidentiality clause.

6. Protection of the individuals involved in a Disclosure

6.1. To encourage any worker to “blow the whistle” in the public interest, NCG will always guarantee:

- 6.1.1. **Confidentiality**: If a concern is raised in confidence, the identity of the person making the disclosure will not be revealed without their consent. If a situation arises where it is not possible to deal with the concern without revealing the identity of the worker who has made the disclosure (for instance because evidence is needed in court or in a disciplinary hearing), the written consent of the person who has made a disclosure will be sought before proceeding.
- 6.1.2. **Anonymity**: A disclosure can be made anonymously. An anonymous disclosure will be given full consideration, however NCG may not be able to take the claim further if all the necessary information has not been provided.
- 6.1.3. **Protection from unfair detriment and victimisation**: A worker who has made a disclosure in the public interest will not be subjected to any detriment by any act, or failure to act, by NCG done on the grounds that the worker has made a disclosure. Furthermore, any form of victimisation by any other NCG worker will be condemned and dealt with under the company’s Anti Bullying and Harassment Policy.

6.2. Once a disclosure has been made and an internal investigation started, those individuals who are placed under investigation or involved in any way in the investigation are guaranteed that:

- 6.2.1. They will be invited for a hearing and their comments will be listened to carefully and considered fairly. Written records will be kept by the person conducting the investigation.
- 6.2.2. Their identity will be kept confidential and not be revealed without their written consent.
- 6.2.3. They will not suffer unfair detriment by any act, or failure to act, by NCG done on the grounds that the individual is under investigation or involved in the investigation. Those under investigation because of alleged wrongdoing/malpractice may, however, be suspended on full pay pending investigations. This is to avoid that important evidence is destroyed or tampered with.

7. Actions taken following the investigation of a Disclosure

7.1. Following the investigation of a disclosure, NCG will ensure that action is taken against the individual(s) found guilty of wrongdoing/malpractice, unless protection had been granted in return for the provision of information relevant to the investigation. Actions could include, but are not limited to:

- i) Dismissal;
- ii) Issue a formal written warning;
- iii) Implementation of other sanctions as detailed in the company's Disciplinary Procedure;
- iv) Referral to the authorities for prosecution (if applicable).

7.2. Should the outcome of the investigation of a disclosure reveal that the disclosure was made maliciously or for purposes of personal gain, the person who made the disclosure will be dealt with in accordance with the company's Disciplinary Procedure.