

EDA COLLEGE



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Whistleblowing Policy¹

Version Control/History

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Policy Owner	Designated Manager of Risk and Compliance (Whistleblowing Officer); ultimate oversight by the Audit & Risk Committee
Applies To	All workers (including employees, agency, casual, sessional and visiting staff), members of the Board and committees, students, contractors, consultants, partners, volunteers and any other person performing services for or on behalf of EDA College
Classification	Public

¹ Aligned with the Public Interest Disclosure Act 1998 (as amended), the Employment Rights Act 1996, the OfS Regulatory Framework and the Bribery Act 2010

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1. Policy Statement

EDA College (“the College”) is committed to acting with integrity, transparency and accountability in everything it does. The College recognises that, from time to time, members of its community may become aware of conduct that is illegal, unethical, dangerous or otherwise contrary to the public interest. This Whistleblowing Policy provides a clear, safe and confidential route for raising such concerns and protects those who do so in good faith from any form of detriment.

The Policy is grounded in the Public Interest Disclosure Act 1998, which inserted provisions into the Employment Rights Act 1996 protecting workers who make qualifying disclosures in the public interest. It also supports the College’s wider duties under the Office for Students (OfS) Regulatory Framework, the Bribery Act 2010, the Fraud Act 2006, the Health and Safety at Work etc. Act 1974 and the Companies Act 2006.

2. Purpose

The purpose of this policy is to:

- Encourage members of the College community to raise serious concerns about wrongdoing in the public interest, in good faith and at the earliest opportunity.
- Set out the categories of concern that fall within the scope of whistleblowing and how they differ from individual grievances.
- Provide clear and accessible internal and external channels for raising concerns.
- Assure those who raise concerns that they will be treated seriously and confidentially, and protected from any form of detriment.
- Define the procedure for the assessment, investigation and outcome of concerns.
- Define the roles, responsibilities and accountabilities of the Board, the Audit & Risk Committee, the Whistleblowing Officer and others.

3. Scope

This policy applies to all members of the College community, including:

- All employees of EDA College, including agency, casual, sessional and visiting workers (collectively, “workers” for the purposes of the Public Interest Disclosure Act 1998).
- Members of the Board of Governors and committees (including external and independent members).
- Students enrolled at the College.
- Contractors, consultants, intermediaries, partners and other associated persons performing services for or on behalf of the College.
- Volunteers, governors and others connected with the College.
- Members of the public and other external parties (whose disclosures are received and handled in accordance with this policy and applicable law, even though they may not benefit from the worker-specific protections of the Public Interest Disclosure Act 1998).

It applies to concerns about activity carried out by, with or on behalf of EDA College, in the UK and overseas, including activity by partners, contractors and other associated persons.

4. Legal and Regulatory Framework

- Public Interest Disclosure Act 1998 (PIDA), which inserted Part IVA and related provisions into the Employment Rights Act 1996.
- Employment Rights Act 1996, in particular sections 43A–43L (protected disclosures) and section 47B (protection from detriment).
- Bribery Act 2010 and the Ministry of Justice guidance on adequate procedures.
- Fraud Act 2006.
- Theft Act 1968 and Companies Act 2006 (in respect of dishonesty and breach of statutory duty).
- Health and Safety at Work etc. Act 1974.
- Equality Act 2010.
- Modern Slavery Act 2015.
- UK GDPR and the Data Protection Act 2018, in respect of personal data processed under this policy.
- Higher Education and Research Act 2017 and the OfS Regulatory Framework, including the Public Interest Governance Principles. The OfS is a prescribed person under PIDA in respect of higher education matters in England.

5. Definitions

5.1 Whistleblowing

The disclosure by a worker (or other person) of information that, in the reasonable belief of the person making the disclosure, tends to show that wrongdoing has occurred, is occurring or is likely to occur, and that the disclosure is made in the public interest.

5.2 Qualifying Disclosure

A disclosure of information falling within one of the categories in section 43B of the Employment Rights Act 1996 (set out in section 6 of this policy) and made in the public interest. To benefit from PIDA protection, the disclosure must also be a “protected disclosure”, made through one of the prescribed routes set out in sections 43C to 43H of the Act.

5.3 Reasonable Belief

The person making the disclosure must hold a reasonable belief that the information tends to show one or more of the categories of wrongdoing listed in section 6. The belief does not need to be correct, but it must be honestly and reasonably held.

5.4 Public Interest

The disclosure must be made in the public interest, which means it must concern more than the worker’s own personal employment situation. Concerns about an individual contract of employment will normally fall within the Grievance Procedure.

5.5 Detriment

Any unfavourable treatment by the College, or by another worker, in connection with a person's decision to make a protected disclosure, including dismissal, disciplinary action, demotion, exclusion, harassment or victimisation. Detriment in connection with a protected disclosure is unlawful under section 47B of the Employment Rights Act 1996.

5.6 Reporting Person (Discloser)

The person who raises a concern under this policy.

5.7 Whistleblowing Officer

The senior officer designated by the College to receive and oversee whistleblowing concerns, supported by the Audit & Risk Committee. This is the Designated Manager for Risk and Compliance (or, where they are conflicted, the Chair of the Audit & Risk Committee).

6. What Counts as a Whistleblowing Concern

Under section 43B of the Employment Rights Act 1996, the following categories of wrongdoing may be the subject of a qualifying disclosure:

Category	Examples
Criminal offence	Fraud, theft, bribery or corruption (including under the Bribery Act 2010); facilitation of tax evasion; modern slavery offences; serious sexual offences.
Failure to comply with a legal obligation	Breach of regulatory duties (e.g. OfS conditions of registration, UKVI sponsor duties, awarding body requirements, data protection law).
Miscarriage of justice	Wrongful application of academic regulations, disciplinary processes or admissions decisions on a systemic basis; suppression of evidence.
Endangerment of health and safety	Risk of injury or harm to staff, students, visitors or the public (including risks arising from premises, equipment, placements or events).
Damage to the environment	Pollution, breach of environmental permits or hazardous waste handling failures.
Deliberate concealment	Deliberate concealment of any of the matters above, including destruction of records or interference with witnesses.

In addition, the College welcomes disclosures relating to (but not limited to):

- Sexual misconduct or harassment, in line with OfS condition E6 and the Bullying and Harassment Policy.
- Significant academic misconduct or research integrity breaches.
- Serious safeguarding or Prevent concerns.
- Significant breaches of conflicts of interest, anti-bribery and corruption, or modern slavery commitments.
- Significant misuse of college funds or other assets.

7. Concerns That Are Not Whistleblowing

Some concerns are best raised under another route. Examples include:

Concern	Appropriate Route
Personal grievance about an individual employment matter (e.g. disagreement over a manager’s decision affecting only the worker themselves).	Grievance Policy and Procedure (for staff).
Bullying, harassment or sexual misconduct directed at the individual disclosing.	Bullying and Harassment Policy and the relevant disciplinary procedures (with the option of using this policy where there is a wider public interest dimension).
Complaint about teaching or services as a student.	Student Complaints Policy.
Suspected academic misconduct in respect of a single piece of work.	Academic Misconduct and Plagiarism Policy.
Disagreement with academic judgement.	Academic Appeals Policy (where applicable).

Where a concern engages both whistleblowing and another procedure (for example, where a personal grievance also raises wider public interest issues), the College will determine the most appropriate route, in dialogue with the Reporting Person.

8. Confidentiality, Anonymity and Protection from Detriment

8.1 Confidentiality

The College will treat all disclosures confidentially. The identity of the Reporting Person will not be disclosed without their consent unless the College is required by law to do so, or unless disclosure is necessary to investigate the concern or to manage a risk to safety. Where disclosure of identity may be necessary, the College will inform the Reporting Person in advance, where it is reasonable and lawful to do so.

8.2 Anonymity

The College accepts and considers anonymous disclosures. However, fully anonymous disclosures may be more difficult to investigate effectively, and the College may not be able to provide feedback to the discloser. The College therefore encourages, where possible, that disclosures are made on a named basis with confidentiality protected by the College.

Anonymous disclosures will be reviewed and used primarily as intelligence to inform institutional oversight, monitoring, and risk management, rather than constituting formal complaints unless sufficient verifiable evidence is available.

Where adequate information is provided, the College will take proportionate action, including investigation where appropriate. However, progression and external escalation may require the complainant to be identified.

8.3 Protection from Detriment

Workers who make a protected disclosure under the Public Interest Disclosure Act 1998 are protected by law from being subjected to any detriment by their employer, or by other workers, on the ground that they have made the disclosure. Dismissal of a worker for making a protected disclosure is automatically unfair under section 103A of the Employment Rights Act 1996.

EDA College extends similar safeguards to all members of its community who raise concerns under this policy in good faith. Any actual or attempted detriment, victimisation, harassment or retaliation against a Reporting Person will itself be treated as a serious disciplinary matter, addressed under the relevant disciplinary procedure.

8.4 Good Faith

Although “good faith” is no longer a strict legal requirement under PIDA following amendments in 2013 (it has been replaced by the “public interest” test), the College expects disclosures to be made honestly. Disclosures that are knowingly false, vexatious or malicious are not protected and may be treated as a disciplinary matter under the relevant procedure.

9. How to Raise a Concern – Internal Channels

Concerns may be raised through any of the following internal channels:

Channel	Description
Line manager	In many cases, the most accessible first route, where the line manager is not implicated.
Whistleblowing Officer	The Designated Manager for Risk and Compliance, who is the College’s named Whistleblowing Officer; concerns may be raised in writing or in a confidential meeting.
Chair of the Audit & Risk Committee	Where the Whistleblowing Officer is conflicted, or where the concern relates to senior management.
Chair of the Board of Governors	Where the concern relates to the Principal, the Audit & Risk Committee, or other matters reaching the most senior level of the College.
Whistleblowing Reporting Inbox	A confidential email address maintained by the College for whistleblowing concerns, including (where in place) anonymous reporting functionality.
Trade Union Representative	Where a worker is represented by a trade union, they may raise the concern through their representative who can support them in following this policy.

Disclosures should, where possible, be in writing and should include: the nature of the concern, the people, dates and locations involved, what supporting evidence exists, and whether the concern has previously been raised. The Whistleblowing Officer can support the Reporting Person to formulate the disclosure.

10. External Channels and Prescribed Persons

Workers and others may raise concerns externally where it is appropriate to do so. Disclosures to prescribed persons under PIDA are protected provided the conditions in section 43F of the Employment Rights Act 1996 are met (i.e. the worker reasonably believes the matter falls within that body’s description and that the information is substantially true).

Examples of prescribed persons relevant to higher education and the College’s activities include:

- The Office for Students (OfS) – matters relating to higher education providers in England.
- The Health and Safety Executive (HSE) – workplace health and safety.
- The Information Commissioner’s Office (ICO) – data protection and freedom of information.

- The Charity Commission for England and Wales – matters relating to charities (where the College is a charity or has charitable trading subsidiaries).
- HM Revenue & Customs (HMRC) – tax and modern slavery related matters.
- The Serious Fraud Office (SFO) – serious or complex fraud.
- The police – matters that may amount to criminal offences.
- The Equality and Human Rights Commission (EHRC) – breach of equality duties.
- Awarding bodies, validating partners and PSRBs – matters relating to standards or regulated programmes.

Workers may also seek confidential advice from external bodies such as Protect (the whistleblowing charity) or, where applicable, ACAS or their trade union, before deciding how to raise a concern.

11. Procedure for Handling Concerns

11.1 Acknowledgement

On receipt of a concern, the Whistleblowing Officer (or alternative designated recipient) will acknowledge the disclosure in writing within 5 working days, where the Reporting Person's identity is known. The acknowledgement will set out the proposed next steps, the indicative timescale and the support available.

11.2 Initial Assessment

The Whistleblowing Officer will conduct an initial assessment, in consultation with the Chair of the Audit & Risk Committee where appropriate, to determine:

- Whether the concern falls within this policy or another procedure.
- Whether immediate precautionary measures are required (e.g. to protect health and safety, secure evidence, or prevent further wrongdoing).
- Whether the concern should be reported to an external body (e.g. police, OfS, regulator).
- Who is best placed to investigate, internally or externally, taking into account independence and confidentiality.
- What support arrangements are needed for the Reporting Person and any others affected.

11.3 Investigation

Where investigation is required, the College will appoint an impartial Investigator with appropriate seniority, experience and independence. The Investigator will:

- Gather written and (where appropriate) oral evidence on the basis of fair process.
- Interview the Reporting Person, any subjects of the disclosure (the "Subject") and witnesses, with appropriate notice and support.
- Maintain confidentiality and protect the identity of the Reporting Person so far as is reasonable and lawful.
- Produce a written investigation report with findings of fact, analysis and recommendations.

The College may, where appropriate, commission an external investigator (e.g. external counsel, audit firm, specialist consultancy), particularly where the matter is complex, sensitive or involves senior management.

11.4 Outcome

The Whistleblowing Officer (or, where appropriate, the Chair of the Audit & Risk Committee or the Board) will consider the investigation findings and determine the action to be taken. Outcomes may include:

- No further action, where the concern is not substantiated.
- Disciplinary action against staff or contractors, in line with the relevant procedure.
- Action under the Student Disciplinary Procedure where students are involved.
- Changes to systems, controls, training, policies or procedures to address root causes.
- Referral to the police, regulator (including OfS, HSE, ICO, SFO) or other authority where required.
- Recovery of funds or assets and engagement with insurers where applicable.

The Reporting Person will, where their identity is known, be informed in writing of the outcome to the extent reasonable and lawful, recognising that confidentiality and data protection obligations may limit the level of detail that can be shared.

11.5 Indicative Timescales

Stage	Indicative Timescale
Acknowledgement	Within 5 working days of receipt.
Initial assessment	Within 10 working days of acknowledgement.
Investigation	Normally completed within 60 working days, with progress updates every 20 working days where the matter takes longer.
Outcome and feedback	Communicated to the Reporting Person within 10 working days of the conclusion of the investigation.

Where investigations are likely to take longer (for example, because they involve external authorities), the Reporting Person will be kept informed at reasonable intervals.

12. Support for Reporting Persons and Others

The College recognises that raising a concern can be difficult and that those involved – Reporting Persons, Subjects of disclosures, witnesses and others – may need support. The College will:

- Provide a single, named point of contact through the process for the Reporting Person.
- Signpost staff to the Employee Assistance Programme and external support such as Protect or ACAS.
- Signpost students to wellbeing, counselling and (where relevant) safeguarding services.
- Make reasonable adjustments under the Equality Act 2010 to enable participation in the process.
- Take steps to protect the Reporting Person and any witnesses from victimisation, in line with the Bullying and Harassment Policy.

13. Treatment of the Subject of a Disclosure

Persons who are the subject of a whistleblowing concern (the “Subject”) are entitled to be treated fairly. They will normally be informed of the substance of the allegations against them and given a reasonable opportunity to respond, in accordance with the relevant disciplinary procedure. The timing and content of this disclosure

will be determined by the Whistleblowing Officer to balance the rights of the Subject with the integrity of the investigation, the protection of the Reporting Person and any safeguarding concerns.

14. False, Vexatious or Malicious Disclosures

Disclosures that are made knowing them to be untrue, or that are vexatious or malicious, are not protected by the Public Interest Disclosure Act 1998 and may be treated as a serious disciplinary matter under the relevant disciplinary procedure. A concern that is honestly raised but ultimately not substantiated is not, in itself, evidence of bad faith, and the Reporting Person will not be subject to any detriment.

15. Records, Data Protection and Confidentiality of Information

Records of disclosures, investigations, decisions and outcomes will be retained securely by the Company Secretary and the Whistleblowing Officer in accordance with the College's Records Retention Schedule and applicable data protection law. Personal data will be processed in line with the UK GDPR, the Data Protection Act 2018 and the College's Data Protection Policy. Information will be shared on a need-to-know basis only, subject to any legal requirement to disclose.

16. Reporting and Governance

The Whistleblowing Officer will provide:

- An annual report to the Audit & Risk Committee and the Board of Governors, summarising the number, nature and outcomes of whistleblowing concerns raised and any patterns or themes identified.
- A more frequent report (at least quarterly) where there are material concerns under investigation, and immediate notification to the Chair of the Audit & Risk Committee in cases of serious concern.
- Lessons-learned summaries used to inform updates to controls, policies, training and culture.

The Audit & Risk Committee provides independent oversight of the operation of this policy and of the effectiveness of the College's whistleblowing arrangements.

17. Training and Awareness

The College will:

- Communicate this policy clearly to all staff via induction and the staff intranet, and to students via the student handbook and the College website.
- Provide tailored briefings for managers, governors and senior post-holders on their responsibilities under this policy and applicable law.
- Refresh awareness regularly, in particular following changes to legislation, OfS conditions or sector guidance.
- Promote a "speak up" culture in which concerns can be raised without fear, and routine engagement on the existence and use of this policy is encouraged.

18. Roles and Responsibilities

Role	Key Responsibilities
Board of Governors	Approves this policy; receives reports on its operation; ensures arrangements meet OfS expectations and the Public Interest Governance Principles.
Audit & Risk Committee	Provides independent oversight of the operation of this policy; receives reports from the Whistleblowing Officer; reports assurance to the Board.
Chair of the Board / Chair of the Audit & Risk Committee	Receive concerns about senior management or where the Whistleblowing Officer is conflicted; may chair or commission investigations.
Principal	Promotes a culture of integrity and openness; ensures resources are available for the operation of this policy.
Whistleblowing Officer (Designated Manager for Risk and Compliance)	Owns this policy on a day-to-day basis; receives, triages and oversees concerns; coordinates investigations; reports to the Audit & Risk Committee.
Heads of Department / Line Managers	Receive concerns where appropriate; treat them sensitively; signpost the Reporting Person to this policy and to the Whistleblowing Officer.
Company Secretary	Maintains governance records relating to this policy; supports the Whistleblowing Officer and the Board.
All Workers, Students and Associated Persons	Raise concerns under this policy where they suspect wrongdoing; cooperate with investigations; treat all involved with respect.

19. Monitoring, Reporting and Review

The application of this policy will be monitored through:

- Annual reporting on cases, outcomes and lessons learned to the Audit & Risk Committee and the Board of Governors.
- Internal audit of the operation of the whistleblowing arrangements and the effectiveness of underlying controls.
- Independent review (e.g. by an external adviser) at least every five years.
- Engagement with workers and students through regular staff and student surveys to test confidence in raising concerns.
- Benchmarking against good practice, including guidance from Protect, OfS and the CUC.

This policy will be reviewed at least every two years, or sooner where regulation, OfS conditions or sector guidance require it.

End of Policy