



## 2.0. Compliance

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## 2.6. Whistle Blowing Policy and Procedure

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**External Reference Points**

- Public Interest Disclosure **Act** 1998 (PIDA)
- Bribery Act 2010

**Related Policies and Documents**

Affects all other policy documents. This document should however be read together with the following documents:

- Whistle Blowing Flow Chart
- Complaints Policy
- Malpractice and Maladministration Policy
- Bullying and Harassment Policy

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# Whistle Blowing Policy and Procedure

## Introduction

This policy applies to the EDA College Ltd (EDA). EDA is committed to operating in an ethical and principled way. Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing, which affects others.

The aim of this policy and procedure is to provide employees and workers (referred to as 'employees' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings

EDA encourages employees to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable employees to raise concerns about malpractice in connection with EDA.

This policy and procedure also aims to encourage employees to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows employees to raise such concerns externally and this policy informs employees how they can do so.

This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations that are not well - founded.

The principles of openness and accountability, in line with below legislation protecting whistle-blowers and are reflected in this policy and procedure. EDA is committed to ensuring compliance with

- Public Interest Disclosure **Act** 1998 (PIDA)
- Bribery Act 2010

Students at EDA are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the welfare officer or Deputy Principal. This policy and procedure is designed for the use of employees of EDA.

## Scope

This policy applies to all employees of the EDA College, including employees that includes any casual employees; home - based casual employees; and employees of subcontractors; and agency employees engaged by the EDA.

Employees 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 EDA's Complaints Procedure. Any employee in this situation is encouraged to approach the Human Resources department in confidence for advice.

This Policy should be read in conjunction with the following:

- Whistle Blowing Flow Chart
- Complaints Policy
- Malpractice and Maladministration Policy
- Bullying and Harassment Policy

## Protected disclosures

The law protects employees who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows employees 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 (detailed below) and the disclosure must also be made in an appropriate way.

A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

## Specific subject matter

If, in the course of employment, an employee becomes aware of information, which they reasonably believe tends to show one or more of the following, they 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 (including safeguarding, radicalisation and extremism).

- 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.

Please note: whistleblowing law does not cover Personal grievances (for example bullying, harassment, discrimination); unless the particular case is in the public interest.

## **Procedure for making a disclosure**

Information, which an employee reasonably believes tends to show one or more of the situations given in above, should promptly be disclosed to their line manager, preferably in writing, so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, an employee can raise the issue with the Head of department/ HR or Principal.

If the disclosure relates to the Principal, an employee can raise the issue with the Academic Board.

Employees are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, EDA will not be in a position to notify the individual making the disclosure of the outcome of action taken by EDA.

Anonymity also means that EDA may have difficulty in investigating such a concern.

EDA reserves the right to determine whether to apply this procedure in respect of an anonymised 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.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Head of Department / HR.

## **Procedure for investigation of a disclosure**

When an employee makes a disclosure, EDA will acknowledge its receipt, in writing, within three working days.

EDA will then determine whether it believes that the disclosure is wholly without substance or merit. If EDA considers that the disclosure does not have sufficient merit to warrant further action, the employee will be notified in writing of the reasons for EDA's decision and advised that no further

action will be taken by EDA under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If EDA is satisfied that an employee 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 Colleges procedure.

When an employee makes a disclosure, which has sufficient substance or merit warranting further action, EDA will take action it deems appropriate (including action under any other applicable Colleges policy or procedure). Possible actions could include:

- internal investigation;
- referral to EDA's auditors;
- or referral to relevant external bodies such as the police, DfE, Ofsted, QAA, OFS, the NSPCC, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation would be conducted by a manager of EDA without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by EDA as appropriate. S/he will investigate the concerns raised and possible courses of action to be taken (this may involve a confidential discussion with the Chair of the Audit and Finance Committee).

Any recommendations for further action made by EDA will be addressed to the Principal, as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The employee making the disclosure will be notified of the outcome of any action taken by EDA under this policy and procedure within a reasonable period of time. If the employee is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal within ten working days of receiving the outcome in line with the Appeal procedure.

The Principal will make a final decision on action to be taken and notify the employee making the disclosure. This will be in writing and sent to the employee's home address.

## **Safeguards for employees making a disclosure**

An employee making a disclosure under this procedure can expect their matter to be treated confidentially by EDA and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

EDA will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by EDA does not identify the employee making the disclosure without their written consent, or unless EDA is legally obliged to do so, or for the purposes of seeking legal advice.

No formal disciplinary action will be taken against an employee on the grounds of making a disclosure under this policy or procedure.

An employee will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by EDA for making a disclosure in accordance with this policy and procedure. Equally, where an employee is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by EDA against the colleague in question.

## **Disclosure to external bodies**

This policy and procedure has been implemented to allow employees to raise disclosures internally within the College. An employee has the right to make a disclosure outside of EDA where there are reasonable grounds to do so and in accordance with the law. However, it is expected that the internal procedure will be exhausted before doing so.

Employees may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Employees can also make disclosures on a confidential basis to a practising solicitor or barrister. If an employee seeks advice outside of EDA, they must be careful not to breach any confidentiality obligations or damage EDA's reputation in so doing.

## **Accountability**

EDA will keep a record of all concerns raised under this policy and procedure (including cases where EDA deems that there is no case to answer and therefore that no action should be taken).

All concerns raised under this policy (including cases where EDA deems that there is no case to answer and therefore that no action should be taken) will also be reported to the Principal.

## **Further assistance for employees**

EDA will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure an employee feels that they are being subject to informal pressures, bullying



or harassment due to making a disclosure, they should raise this matter, in writing, to the Principal / Head of Department.

An employee making a disclosure may want to confidentially request counselling or other support; This can be arranged by the Lead Safeguarding officer, Human Resources or Deputy Principal.

Employees can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues.

Contact details are as follows:

3rd Floor, Bank Chambers, 6 -10 Borough High Street, London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<https://www.newdawnresources.co.uk/news/whistleblowing-charity-public-concern-at-work-is-now-protect>

## Exceptions

Failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

EDA reserves the right to invoke disciplinary action against an employee where EDA has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside EDA without reasonable grounds.

## Additional Resources

Further useful sources of information are listed below:

- <https://www.gov.uk/whistleblowing>
- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf)