PINC COLLEGE WHISTLEBLOWING POLICY

Date September 2024

Introduction

Pinc College is committed to providing holistic education of the highest quality and this policy is underpinned by Pinc College values, culture and methodology.

Our college Values

Individual - 'We celebrate everyone'

Inclusive - 'We value and support everyone'

Innovative 'We believe in the power to change'

We foster a culture that is **Respectful, Responsible, Safe and Kind**

The principles of the Pinc Method applies equally to our students and team members in everything we do. Our method holds the individual, their wellbeing and their specific needs in every aspect of our approach.

Policy intent and scope

Pinc College aims to maintain high standards of integrity in everything we do. However, all Colleges can occasionally be affected by conduct that is dangerous, against the law, or that breaches ethical or professional codes. If you have any such concerns, we encourage you to report them immediately; this is called 'whistleblowing'. We will take your concerns seriously, they will be thoroughly investigated, and you can be confident there will be no reprisals. This policy applies to all team members.

Those making qualifying disclosures (whistleblowing) are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

This policy is adopted on a non-contractual basis and therefore does not make up part of your contractual terms and conditions.

This policy applies to:

- All Pinc team members
- All members of the Governing Body
- Other individuals providing a service to the College
- Partner organisations

Responsibilities and Communication

This policy outlines what you should do if you suspect something at work is putting you, or others, in danger, is illegal or is unethical. The policy applies to everyone working for the College, referred to as team members but including workers, consultants, and agency workers.

Certain disclosures are prescribed by law as 'qualifying disclosures'. A 'qualifying disclosure' means a disclosure of information that you genuinely and reasonably believe is in the public interest and shows that the College has committed a 'relevant failure'. Such as:

- any activity you suspect is criminal;
- any activity you suspect puts health and safety at risk;
- any activity you suspect may damage the environment;
- any activity you suspect constitutes Bribery;
- any failure to comply with legal or regulatory obligations;
- any failure to meet professional requirements; and/or
- any attempt to conceal one or more of these activities.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The College will take any concerns that you may raise relating to the above matters very seriously.

The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be 'in the public interest'. We encourage you to use the procedure to raise any such concerns.

Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the College's grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, ie it relates to a personal grievance, the receiving Team Lead will confirm that the matter will be addressed under the grievance policy.

If you are unsure whether an issue is covered by this policy you should speak with a member of the College Leadership Team.

If a genuine concern is raised under this policy, we will support you fully, even if it is found through investigations that there has been a mistake or that there has been no breach of policy, legal obligation, or other activity. If you feel you have been treated badly because of raising a concern, you should inform us straight away.

All 'whistle-blowers' are given the same protection; all team members must therefore not threaten or otherwise badly treat others who have raised concerns under this policy. Doing so will result in disciplinary action and the 'whistle-blower' may also be able to bring legal action.

How to raise a whistleblowing concern

Concerns should be raised with a member of the College Leadership Team, either face-to-face or in writing, clearly stating that this is being raised under this policy. You should provide a full explanation of what those concerns are, along with key facts, dates, and the names of the people involved. If the concern to be raised concerns the Regional college Lead this should be raised with the CEO. If the concern involves the CEO it should be raised with the Governors.

You, the 'whistleblower' will be invited to a meeting with a member of CLT to discuss the concerns and will be entitled to be accompanied by a colleague or trade union representative. We shall agree to keep the disclosures confidential before and after the meeting, and during any investigation that may follow. The meeting will be recorded as a confidential DataBridge form.

After the initial meeting, the concerns will be investigated, which may involve specialists with knowledge or experience of the issues raised. The 'whistle-blower' will be kept informed in general terms about how the investigation is progressing and how long is it likely to take. However, we may not be able to give details about the investigation (or any action it leads to) to protect confidentiality and comply with legal obligations. We understand this may be frustrating and so will do our best to reassure you that things are in hand and to explain why we are acting in the way we are.

All concerns will be addressed fairly, but we cannot guarantee the outcome of our investigations will be that desired by the 'whistle-blower'. If you are not satisfied with how the investigation is conducted, you may revert to the College Leadership Team member for further consideration.

Most concerns will be raised with good intentions, but occasionally false allegations, out of malice or because of some personal gain, may occur. Such instances will be dealt with under our Disciplinary procedures.

Confidentiality and anonymity

There is a significant difference between wanting to keep concerns confidential and making a disclosure anonymously. We would actively discourage anonymous whistleblowing. Concerns raised anonymously are very difficult, sometimes impossible; to investigate and we would be unable to properly establish whether allegations are credible without being able to ask for more clarification. This makes it difficult to reach an informed decision.

If you do not feel comfortable in reporting your concern openly, once the College is aware, we will do all we can to protect your identity and, before disclosing it, will always discuss this with you first. Team members are protected from reprisals under this policy, but if you are still worried, you must talk to a member of the College Leadership Team. We will explore how far we can go in maintaining confidentiality.

Protection against detrimental treatment

All team members who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.

Bullying, harassment or any other detrimental treatment afforded to a team member who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

Taking your concerns outside the College

This policy outlines the process for raising, investigating, and resolving wrongdoing within the College. It is rarely necessary or desirable for anyone outside the College to become involved when a whistleblowing allegation is made. In some exceptional circumstances, team members may, however, need to go to an external body, such as an industry regulator, for example.

This policy covers the actions of third parties such as students, parents, suppliers, and service providers, as well as team. Concerns about a third party should, ideally, be raised with us before approaching anyone else.

Alerting the media to a concern, particularly before or during an internal investigation, is almost never justified or appropriate, in any situation. We strongly discourage team members from doing so and will treat any contact with the press as a serious disciplinary issue justifying dismissal unless exceptional circumstances exist. We would normally expect team members to have taken all reasonable steps to deal with the matter internally, or with an external regulator, and to have taken full legal advice before approaching the press.

You can get further advice on whistleblowing, protecting confidentiality, and being protected from reprisals at: www.protect-advice.org.uk

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