



THE  
**TRAFFORD  
COLLEGE**  
GROUP

**Whistleblowing**  
**(Public Interest and Disclosure)**  
**Policy and**  
**Procedure**

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## **1. Purpose**

Trafford College Group (TCG) is committed to operating in an ethical and principled way. The aim of this Policy and Procedure is to provide employees and workers (referred to as 'workers' in this document) with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

TCG encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This Policy and Procedure is intended to provide safeguards to enable workers to raise genuine concerns about malpractice in connection with TCG without fear of reprisals, even if they turn out to be mistaken.

This Policy and Procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well founded.

The principles of openness and accountability, which underpin legislation protecting whistle-blowers, are reflected in this Policy and Procedure. TCG is also committed to ensuring compliance with the Bribery Act 2010.

## **2. Scope**

This Policy and Procedure applies to all employees, officers, consultants, contractors, volunteers, casual workers and agency workers. It is not directed at students who can instead raise genuine concerns about suspected wrongdoing by making a complaint in accordance with the Complaints Procedures.

Any worker who is unsure about whether to raise their concern under this Policy and Procedure or as a personal grievance under the TCG's Grievance Procedure is encouraged to approach the Director of HR and Performance in confidence for advice.

This Policy and Procedure is not contractual but sets out the way in which we plan to manage such issues.

### **2.1 Protected Disclosures:**

The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

The law allows workers 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 (See Specific Subject Matter) and the disclosure must also be made in an appropriate way (See Section 3). A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

### **2.2 Specific Subject Matter:**

If, in the course of employment, a worker 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
- 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

### 3. Policy Statement

The Trafford College Group (TCG) is committed to operating in an ethical and principled way. It is recognised that providing a supportive mechanism that enables individuals to raise whistle-blowing concerns internally is fundamental to this commitment. The aim of this Policy and supporting Procedure is to provide employees with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

The Trafford College Group encourages employees to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This Policy and supporting Procedure is intended to provide safeguards to ensure employees are provided with the necessary employment protection, enabling them to raise concerns about malpractice in connection with TCG.

The Trafford College Group therefore 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 and the supporting Procedure informs employees how they can do so. However, a failure to raise a concern under internal Whistleblowing Policy and Procedure may result in a disclosure losing its protected status under the law.

The Whistleblowing Policy and Procedure seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded.

The Trafford College Group is committed to ensuring compliance with statutory guidance, Keeping Children Safe in Education and the Care Act (Adult Protection) and the Bribery Act 2010 and reflection of the principles of openness and accountability which underpin legislation protecting whistle-blowers.

The Whistleblowing Policy and Procedure are designed for the use of employees (including Apprentices) of Trafford College Group. Students of TCG are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint via the Complaints Procedure.

#### Approval Declaration:

Signed:



Principal & Chief Executive Officer: James Scott

Signed:



Chairperson of the Board of the Corporation: Graham Luccock

Date: 18<sup>th</sup> May 2022

## **Procedure**

### **4. Procedure for Making a Disclosure**

- 4.1** Information, which a worker reasonably believes, tends to show one or more of the situations given in Specific Subject Matter should promptly be disclosed to their Line Manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to their direct line manager, a worker can raise the issue with the relevant senior manager (i.e. an Assistant Principal, Director or a member of the Executive Leadership Team).
- 4.2** In some circumstances it is appreciated that an individual may not consider it appropriate to raise an issue with a TCG Manager. In such cases they should refer the matter to the Corporation Secretary. The Corporation Secretary will discuss the disclosure with the Chair of the Corporation and, where applicable, the Chair of the Audit Committee. Consideration will then be given to the most appropriate process for investigating the disclosure (i.e. whether the matter should be investigated internally, by a member of the Board or by an external third party). The individual will be advised of the investigatory process.
- 4.3** If the disclosure relates to the Principal/Chief Executive, a worker can raise the issue with the Corporation Secretary. The Corporation Secretary will discuss the disclosure with the Chair of the Corporation and where applicable the Chair of the Audit Committee. Arrangements will then be made for the disclosure to be investigated by a member of the Board of the Corporation. In the event that the disclosure relates to the Corporation Secretary, a worker can raise the issue directly with the Chair of the Corporation.
- 4.4** Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, TCG will not be able to notify the individual making the disclosure of the outcome of action taken by TCG. Anonymity also means that TCG may have difficulty in investigating such a concern. TCG 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; and
  - How likely it is that the concern can be confirmed from attributable sources.
- 4.5** 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 Director of Human Resources and Performance.

### **5. Procedure for Investigation of a Disclosure**

- 5.1** When a worker makes a disclosure, TCG will acknowledge its receipt, in writing, within 5 working days.
- 5.2** TCG will carry out an initial assessment to determine the scope of any investigation. It will inform the worker of the outcome of its assessment.
- 5.3** TCG will determine the appropriate action to take (including action under any other applicable TCG policy or procedure). Possible actions could include internal investigation; referral to TCG's auditors; or referral to relevant external bodies such as the Police, Ofsted, Health and Safety Executive or the Information Commissioner's Office.

- 5.4** If appropriate, any internal investigation will be conducted by a manager of TCG without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by TCG as appropriate. In some cases, TCG may appoint a team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter.
- 5.5** Any recommendations for further action made by TCG will be addressed to the Principal/Chief Executive or Chair of the Corporation 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.
- 5.6** The worker making the disclosure will usually be notified of the outcome of any action taken by TCG under this Policy and Procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent TCG giving the worker specific details of the investigation, or any disciplinary action taken as a result. Workers should treat any information about the investigation as confidential.
- 5.7** If the worker is not satisfied that their concern, has been appropriately addressed, they can raise it with the Principal/Chief Executive within 5 working days. The Principal/Chief Executive will make a final decision on action to be taken and notify the worker making the disclosure.
- 5.8** There may be circumstances where TCG concludes that the disclosure is without substance or merit, or it is not appropriate to carry out further investigations. This might apply where:
- TCG is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
  - The matter is already the subject of legal proceedings or appropriate action by an external body; or
  - The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

## **6. Safeguards for Workers Making a Disclosure**

- 6.1** A worker making a disclosure under this procedure can expect their matter to be treated confidentially by TCG and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 6.2** TCG will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by TCG does not identify the worker making the disclosure without their written consent, or unless TCG is legally obliged to do so, or for the purposes of seeking legal advice.
- 6.3** No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this Policy or Procedure. This does not prevent TCG from bringing disciplinary action against a worker where TCG has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside TCG without reasonable grounds.
- 6.4** A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by TCG for making a disclosure in accordance with this Policy and Procedure. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by TCG against the colleague in question.

## **7. Disclosure to External Bodies**

- 7.1** The aim of this Policy and Procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally.
- 7.2** The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. TCG strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect (formerly Public Concern at Work), operates a free confidential helpline to any individual who is unsure whether to raise an issue under this policy, or who needs advice as to how to do it.
- 7.3** Workers 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.

## **8. Ex-Employees and Workers**

- 8.1** Any protected disclosures made by ex-employees or workers after the termination of their employment should also be dealt with under this Policy and Procedure. In such cases, we normally ask that the employee/worker sets out the details of their concerns in writing and we will then respond in writing, having undertaken such investigations as we deem to be appropriate,

## **9. Accountability**

- 9.1** TCG will retain a record of all concerns raised under this policy and procedure, (including cases where TCG deems that there is no case to answer and therefore that no action should be taken) and will report to the Corporation as appropriate.

## **10. Data Protection**

- 10.1** When an individual makes a disclosure, TCG will process any personal data collected in accordance with its Data Protection Policy collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## **11. Further Assistance for Workers.**

- 11.1** TCG will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker 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 Principal/Chief Executive.
- 11.2** Workers must not threaten or retaliate against whistle-blowers in any way and staff that are found to be involved in such conduct you may be subject to disciplinary action. In some cases, the whistle-blower could have a right to a member of staff personally for compensation in an employment tribunal.
- 11.3** A worker making a disclosure may want to confidentially request counselling or other support from TCG's Employee Assistance Programme. Any such request for counselling or support services should be addressed to the Director of Human Resources and Performance. Requests will be treated in confidence.

**11.4** Workers can also contact the charity Protect (formerly 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 9Q  
Whistleblowing Advice Line: **020 7404 609** <http://www.pcaw.org.uk>

**11.5** The NSPCC's "What you can do to Report Abuse" dedicated helpline ([Whistleblowing AdviceLine | NSPCC](#)) is also available as an alternative route for colleagues who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by TCG. Colleagues can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).