



WHISTLEBLOWING POLICY & PROCEDURE

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Contents

1	Introduction	3
2	Applicability of this Policy and procedure	3
3	Protected disclosures	4
4	Specific Subject Matter	4
5	Procedure for making a disclosure	4
6	Procedure for investigation of a disclosure	5
7	Safeguards for employees making a disclosure	6
8	Disclosure to external bodies	6
9	Accountability	7
10.	Further assistance for employees	7
11.	Review of Policy	7

1. Introduction

- 1.1 The aim of this Policy and procedure is to provide employees with a means for raising whistleblowing concerns. You are a whistleblower if you are an employee who discloses wrongdoing, and it is in the public interest to disclose as the wrongdoing may affect others. This is distinct from grievance which is a problem or concern that an employee has about their work or relationships with colleagues. See the Grievance Policy and Procedure for guidance on this topic.
- 1.2 The UCS College Group (“Group”) encourages employees to raise genuine concerns about serious suspected wrongdoing at the earliest practicable stage as described in Section 4. This Policy and procedure are intended to provide safeguards to enable employees to raise concerns about malpractice in connection with the Group.
- 1.3 This Policy and procedure also aims to encourage employees to raise genuine concerns through internal Group 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. However, a failure to raise concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 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 which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this Policy and procedure. The Group is also committed to ensuring compliance with the Bribery Act 2010, and follows Part One, paragraph 75 of Keeping Children Safe in Education (2023) which states that:
- 1.6 Appropriate whistleblowing procedures should be put in place for [whistleblowing] concerns to be raised with the Group’s senior leadership team
- 1.7 Learners and visitors at the Colleges are encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Governance Professional.

2. Applicability of this Policy and procedure

- 2.1 This Policy applies to all employees of the Group, including apprentices, and agency staff
- 2.2 Employees include any casual employees, home-based casual employees, and employees of subcontractors;
- 2.3 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 the Group’s grievance procedure. Anyone in this situation is encouraged to approach the Executive Director of People & Culture in confidence for advice.

3. Protected disclosures

- 3.1 The law protects employees who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows employees to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must be related to a specific subject matter (see Section 4 below) and the disclosure must also be made in an appropriate way (see Section 5). 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 an allegation of suspected malpractice.

4. Specific Subject Matter

This Policy and procedure should be used if, in the course of employment, a employee becomes aware of information which they reasonably believe tends to show one or more of the following:

- 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 and safety** of any individual has been, is being, or is likely to be, endangered,
- That **the workplace 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**.

5. Procedure for making a disclosure

- 5.1 Information which an employee reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to a Senior Manager or the Governance Professional so that appropriate action can be taken.
- 5.2 Any disclosure received by a Senior Manager should be reported to the Governance Professional who will maintain a register of disclosures.
- 5.3 If the disclosure relates to the Chief Executive Officer, an employee can raise the issue with the Governance Professional. If the disclosure relates to the Governance Professional, an employee can raise the issue with the Chair of Board of Governors.
- 5.4 Employees are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Governance will not be able to notify the individual making the disclosure of the outcome of action taken by the Group. Anonymity also means that the Group will have difficulty in investigating such a concern. The Group 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 issue raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

5.5 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 Governance Professional.

6. Procedure for investigation of a disclosure

6.1 When an employee makes a disclosure the Group will acknowledge its receipt, in writing, within 10 working days.

6.2 The Group will then determine whether it believes that the disclosure is substantiated, or wholly without substance or merit. If the Group considers that the disclosure does not have sufficient merit to warrant further action, the employee will be notified in writing of the reasons for the Group's decision and advised that no further action will be taken by the Group under this Policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the Group 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 Group procedure.

6.3 When an employee makes a disclosure which has sufficient substance or merit warranting further action, the Group will act it deems appropriate (including action under any other applicable Group Policy or procedure). Possible actions could include internal investigation; referral to the Group's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive, Children's Social Care, the Local Authority Designated Officer (LADO), or the Information Commissioner's Office (ICO).

6.4 If appropriate, any internal investigation would be conducted by a manager of the Group without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the Group as appropriate.

6.5 Any recommendations for further action made by the Group will be addressed to the CEO or Chair of the Group's Board of Governors 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.

6.6 The employee making the disclosure will be notified of the outcome of any action taken by the Group 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 CEO within 5 College working days in accordance with the Group Appeal's Policy. The CEO will make a final decision on action to be taken and notify the employee making the disclosure.

7. Safeguards for employees making a disclosure

- 7.1 An employee making a disclosure under this procedure can expect their matter to be treated confidentially by the Group and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 7.2 The Group will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Group does not identify the employee making the disclosure without their written consent, or unless the Group is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3 No disciplinary action will be taken against an employee on the grounds of making a disclosure made under this Policy or procedure. This does not prevent the Group from bringing disciplinary action against an employee where the Group has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Group without reasonable grounds.
- 7.4 An employee will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the Group 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 the Group against the perpetrator in question.

8. Disclosure to external bodies

- 8.1 This Policy and procedure have been implemented to allow employees to raise disclosures internally within the Group. An employee has the right to make a disclosure outside of the Group where there are reasonable grounds to do so and in accordance with the law.
- 8.2 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 whistleblowing section of the [gov.uk](https://www.gov.uk) website.
- 8.3 Employees can also make disclosures on a confidential basis to a practicing solicitor or barrister.
- 8.4 If an employee seeks advice outside of the Group, they must be careful not to breach any confidentiality obligations or damage the Group's reputation in so doing.

- 8.5 There may be whistleblowing instances where the issue disclosed relates to a risk of harm to children, in which case the Group may refer the matter to the Somerset LADO (Designated Person).

9. Accountability

- 9.1 The Group will keep a record of all concerns raised under this Policy and procedure (including cases where the Group deems that there is no case to answer and therefore that no action should be taken) and will report to the Group's Board of Governors on an annual basis as appropriate.

10. Further assistance for employees

- 10.1 The Group 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 subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the CEO.
- 10.2 An employee making a disclosure may want to confidentially request counselling or other support from the Group's occupational health service. Any such request for counselling or support services should be addressed to the Executive Director of People & Culture. Such a request would be made in confidence.
- 10.3 Employees can seek support from a recognised trained union representative
- 10.4 Employees can also contact the charity Protect (formerly Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

<https://protect-advice.org.uk/>

11. Review of this policy

This policy will be reviewed every two years or sooner if there are legal changes affecting whistleblowing or learning from incidents affecting the Group. The Policy is reviewed by the Audit Committee of Governors.