



Whistleblowing Policy

September 2024

Version 1.0

Approved by the Board of Governors

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1. Introduction

UK Business College aims to conduct its business at all times with the highest standards of integrity and honesty. We expect all those working at the College to maintain the same standards in everything they do. All those who work for us are therefore strongly encouraged to report any perceived wrongdoing by the business or its employees, workers, contractors or agents that falls short of these principles. This policy is not contractual but sets out the approach that we will normally seek to use.

2. Aims of this policy

This policy aims to assist us in the early detection of any inappropriate behaviour or practices within the College and to provide a clear procedure for our employees and workers to report to us any wrongdoing at work which they believe has occurred or is likely to occur. We recognise that individuals may not always feel comfortable about discussing their concerns internally, especially if they believe that the organisation itself is responsible for the wrongdoing. The aim of this policy is to ensure that they feel confident and able to raise any reasonable concern about our business activities in the knowledge that it will be taken seriously, and that no action will be taken against them. The College considers that it is reasonable to expect employees to use this 'whistle-blowing' procedure rather than air their concerns outside the College.

3. Scope of this policy

This policy covers all employees. It aims to protect those who make a 'protected disclosure' either during their employment (or duration of the contract/agreement) and also after this has ended, and also enables them to take action in respect of any victimisation. For a disclosure to be protected it must reasonably appear to the employee or worker that it is in the "public interest". The requirement that it should be brought in "good faith" no longer applies; however, individuals must still reasonably believe the disclosure to be true. The scope of this policy does not cover any potential breaches of an employee's employment contract: these should be raised under our grievance procedure. Nor is this policy intended to be used to question financial or business decisions taken by us, nor as a means of reconsidering any matters that have already been addressed under our bullying and harassment, grievance, disciplinary or other procedures. Such concerns should be raised through normal line management channels.

4. Responsibility for this procedure

The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the Governing Body.

Head of Departments and Managers have a crucial role to play in encouraging employees under their supervision to report any concerns they may have. Any employee who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within the College is required to report this to their manager, or to use the procedure set out below. All employees and workers, irrespective of their job or seniority, are required not to subject any other employee or worker to any detrimental treatment nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so, nor to tolerate such behaviour. Disciplinary action, including

dismissal, may be taken against any employee found guilty of such behaviour. In addition, an employee or worker who has victimised a colleague may be personally liable for any such victimisation.

5. Procedure

All of our employees are encouraged to use the procedure set out below if they have a concern that any of the following have either occurred, are occurring, or are likely to occur:

- wrongdoing at work, including any criminal offence;
- a miscarriage of justice;
- a health and safety danger;
- an environmental risk; or
- a deliberate concealment of any of these. This list is not exhaustive but indicates the types of concerns that should be raised:
- misuse of assets (including stores, equipment, vehicles, buildings, computer hardware and software);
- failure to comply with appropriate professional standards;
- bribery, corruption or fraud including the receiving or giving of gifts or hospitality in breach of our procedures;
- falsifying records;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the organisation, or would otherwise seriously prejudice the College;
- abuse of authority;
- using the power and authority of UK Business College for any unauthorised or ulterior purpose;
- causing damage to the environment. The employee or worker does not have to be able to prove the allegations, but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

Employees must also strongly believe that the disclosure is in the public interest.

6. Investigation of Disclosures

Receipt of a disclosure by the Designated Officer will trigger the College's investigatory procedures; the Designated Officer will consider the disclosure at face value and consider whether:

- The matter is indeed of public interest or if it should be dealt under a separate policy;
- The matter is too vague or frivolous to investigate and no further action can be taken;
- The matter is of a criminal nature and should be referred to the Police;
- There is an immediate risk to personal safety and wellbeing and/or business continuity (warranting suspension of certain business activities or an individual's access to premises pending investigation);
- The College has a duty to report the incident to any other external agency (e.g., the Office for Students (OfS), The Information Commissioners Office (ICO), UK Visas and Immigration (UKVI), OIA, awarding bodies, partnered institutions, etc.)
- The Designated Assessor will then appraise members of the College's Executive Management of the situation (excluding any person who is named in the disclosure so as not to compromise any impending investigation).
- Where the Designated Assessor is minded not to investigate the matter further under this procedure (for example in the event of i. or ii. above), the Discloser will be informed of the reason for this.

6.1 Formal investigation:

- Where the Designated Assessor believes an investigation is warranted, they will offer to interview the Discloser as soon as practicable after the initial disclosure (usually within 48 hours). The purpose of the interview will be for the Designated Officer to obtain as much information as possible from the Discloser as to why they suspect the malpractice and to consult with the Discloser about further steps which could be taken.
- Following the initial interview, the Designated Officer will decide to either investigate the matter personally, or appoint a neutral person, not directly involved in the issue, who is competent in conducting investigations and has appropriate knowledge of the subject matter to carry out the investigation on their behalf.
- In circumstances which warrant it, the Designated Officer may call upon the services of external auditors to assist in an investigation, for example, where disclosures relate to complex financial matters. The rationale for any involvement of external audit services will be recorded.
- The investigation should be conducted without undue delay, having regard to the nature and complexity of the issue.
- Following the initial interview, those against whom the disclosure has been made will be notified of the allegations in writing, and that an investigation will take place under this policy.
- Interviews with other persons involved in the disclosure will be scheduled as soon as is practicably possible, additional time may be allocated after the interview for locating and compiling supporting evidence.

6.2 The right to be accompanied

- Any person called into a formal meeting with the College in relation to these proceedings will be informed of their statutory right to be accompanied, usually by a work colleague or an accredited trade union/employee representative; students may be accompanied by a friend or a student representative.
- An employee's chosen companion has the right to address the meeting to put the employee's case forward, and to summarise and respond on the employee's behalf to any view expressed at the meeting. The companion may also confer with the employee during the meeting.
- An employee's companion at a formal meeting may not answer any questions which are put directly to the employee.
- Where the Discloser elects to bring a companion to a formal meeting, the companion's details (including their name and relationship to the Discloser) should be provided to the Designated Assessor in advance.
- The Discloser will be under an obligation to use all reasonable endeavours to ensure that any companion they bring to a formal meeting keeps the matter strictly confidential, as required by law or until such time as it comes into the public domain.

6.3 Conclusion of the investigation

At the conclusion of the investigation, the Designated Assessor will compile a recommendation report for the CEO, who will approve the recommendations or request further investigation be carried out.

Where an investigation has indicated that there is substance to the allegations, the Designated Officer's report will be used to inform the College's disciplinary proceedings.

The grounds on which the Designated Assessor may recommend that no further action by the College should be taken are as follows:

- The Designated Assessor is satisfied that that malpractice within the meaning of this policy has not occurred, is not occurring or is not likely to occur;
- The Designated Assessor is satisfied that the disclosure is not in the public interest and may be dealt with under the appropriate College policy; UKBC Whistleblowing Policy version 1.0
- The matter concerned is already the subject of legal proceedings, or has already been referred to the appropriate authorities; or
- The matter is already (or has already been) the subject of proceedings under one of the College's other investigatory procedures.

Once the CEO has decided what further action, if any, should be taken, the Designated Officer will inform the Discloser in writing of the outcome. If no further action by the College is

proposed, the Designated Officer will give the reasons for this. The letter from the Designated Officer will be sent to the Discloser at their home address marked "Private and Confidential."

7. Safeguards and Protections for Disclosers

Confidentiality

The College will make every effort to preserve the confidentiality of disclosures and keep the identity of the Discloser(s) secret. However, total confidentiality cannot be guaranteed as some serious disclosures could only be pursued by identifying the Discloser(s) either during the course of the internal procedure, or externally (for example where the College would have a public duty to report a crime).

- The College cannot guarantee the confidentiality of a Discloser where they have themselves told anyone other than the Designated Assessor about the alleged misconduct.
- In spite of the above, individuals are not encouraged to make disclosures anonymously as this may impede the College's investigation of the matter or make it impossible if further details or evidence cannot be obtained; it may also be difficult to verify the credibility of allegations. Anonymous concerns will nonetheless be taken seriously and investigated as fully as possible by the College.
- Disclosers who are genuinely concerned about possible reprisals if their identity is revealed should speak to the Designated Officer or the Associate Dean to see what measures can then be taken to preserve the confidentiality of a disclosure.
- Any report or recommendations by the Designated Assessor in relation to the matter will not identify the Discloser, unless the Discloser otherwise consents in writing or unless there is compelling evidence that the Discloser did not have grounds for believing that malpractice had taken place and has acted maliciously. In the absence of such consent or grounds, the Designated Assessor will not reveal the identity of the individual as the Discloser of information under this Policy, except:
 - Where the Designated Assessor is under a legal obligation to do so;
 - Where the information is already in the public domain;
 - To the Designated Assessor's administrative assistant, on a strictly confidential basis; or
 - To a professionally qualified lawyer for the purpose of obtaining legal advice, on a strictly confidential basis.

8. Data Protection

Any documentation including computer files and portable storage media kept by the Designated Assessor relating to the matter will be kept securely and in accordance with the College's data protection policy, so that as far as practicable only the Designated Assessor (and their administrative assistant) shall have access to it.

8.1 As far as practicable, any documentation prepared by the Designated Assessor will not reveal the identity of the individual as the Discloser of information under this policy.

8.2 The Discloser will not be required by the College without their consent to participate in any enquiry or investigation into the matter established by the College unless there are grounds to believe that the Discloser may have been involved in misconduct or malpractice.

8.3 The College will ensure that its employees do not subject the Discloser to any form of mistreatment, on the grounds of their disclosure of information under this Policy.

The Discloser should report any complaints of such treatment to a Designated Assessor. If the Discloser wishes the Designated Assessor to take action in relation to such complaints, they may be asked to consent in writing.

9. Protection against Disciplinary Action

9.1 No disciplinary or adverse legal action will be taken against a Discloser on the grounds of a disclosure made, provided this has been made in good faith. This will not prevent the College from bringing disciplinary action in cases where disclosure has not been made in good faith, there are reasonable grounds to believe that a disclosure has been made maliciously or where an external disclosure is made in breach of this Policy or otherwise than to an appropriate public authority without reasonable grounds.

9.2 Further to 9.1 an employee will not be at a disadvantage in any redundancy selection process as a result of having made a protected disclosure in line with this policy.

9.3 Victimisation of staff or employees who make a whistleblowing disclosure on grounds of that disclosure is never acceptable, and all allegations of such will be investigated fully and if proved, will usually justify summary dismissal for gross misconduct.

10. Making an External Disclosure

10.1 If the Discloser is not satisfied with the action decided upon or the outcome of the College's investigation of a disclosure of malpractice, they may raise the matter concerned on a confidential basis directly with the appropriate external regulatory body; the UK Government publishes a list of such bodies here:

[Whistleblowing for employees: What is a whistleblower - GOV.UK](#)

10.2 The Discloser may elect to contact the appropriate external regulatory body in the first instance if they have reason to believe that the College will not investigate the matter impartially or effectively, or where they genuinely believe that they will be subject to detrimental treatment as a result of making the disclosure.

10.3 Under no circumstances does the College encourage making a disclosure to journalists or the media, nor will a Discloser who does so receive the protections outlined in this Policy.

11. Review of Whistleblowing Policy

11.1 The College's Board of Governors will periodically seek assurances from the Executive Committee that whistleblowing is effectively managed and will receive an annual report on numbers and outcomes of any whistleblowing; the Executive Committee will be tasked to ensure that associated whistleblowing protocols are widely known by employees and students throughout the College.

11.2 All changes to the policy will be ratified by the UKBC Board of Governors.

12. Independent Advice

12.1 Independent and confidential advice on whistleblowing may be obtained by phoning the confidential helpline Leicester City Council 0116 454 1000 or visiting the website of Leicester City Council [Comments, compliments and complaints](#).

12.2 College Employees can also find advice on whistleblowing for employees through the Advisory, Conciliation and Arbitration Service <http://www.acas.org.uk/index.aspx?articleid=1919> ; or the .gov website <https://www.gov.uk/whistleblowing/what-is-a-whistleblower>

12.3 UKBC can provide access to mentoring and counselling for employees or students who are affected by stress or anxiety arising from the need to make a protected disclosure.

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