



**“Enabling Students to Accomplish their Academic Goal”**

## **Whistle Blowing and Public Concern Policy**

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## **1 Introduction**

This policy applies to the Belmont College with Belmont College committed to operating in an ethical and principled way. This policy is designed for the use of employees of Belmont College.

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 is to provide employees and workers (referred to as 'employees' in this policy) with ways of raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Bellmont College supports and encourages its employees to raise genuine concerns about suspected wrongdoing as soon as possible. This policy is intended to provide safeguards to enable employees to raise concerns about malpractice in connection with Belmont College. 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 are in line with the below legislation protecting whistleblowers and are reflected in this policy and procedure.

Bellmont College is committed to ensuring compliance with the:

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

Students at Belmont College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Head of Quality.

## **2 Scope**

This policy applies to all employees at Belmont College. This includes any casual employees; home-based casual employees; and employees of subcontractors; and agency employees engaged by the Belmont College.

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 Belmont College's Complaints Procedure and therefore any employee in this position is encouraged to approach the Head of Quality in confidence for advice.

## **3 Protected Disclosers**

The law protects employees who, out of a sense of public duty, want to expose 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.

#### **4 Subject Specific 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.

- 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:** Personal Grievances (like discrimination, bullying and harassment) are not covered by the Whistleblowing Law unless the particular case is in the public interest.

#### **5 Procedure for Making a Disclosure**

Information, which an employee reasonably believes tends to show one or more of the situations given 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 Quality. If the disclosure relates to the Chief Executive Officer or any other Heads of Departments, the Head of Quality can raise the issue with the Advisory Board. If the disclosure relates to the Head of Quality any other Heads of Departments, can raise the issue with the Advisory Board.

Employees are encouraged to make themselves when making a disclosure because if an anonymous disclosure is made, Belmont College will not be in a position to notify the individual making the disclosure of the outcome of action taken by Belmont College. Anonymity also means that Belmont College may have difficulty with investigating such a concern.

It should be noted that Belmont College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure with respect to the following considerations:

- The seriousness of the issues raised in the disclosure.
- The credibility of the particular concern raised.
- 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 Quality.

## **6 Procedure for Investigating a Disclosure**

If an employee makes a disclosure, Belmont College will acknowledge its receipt, in writing, within five working days.

Bellmont College will then investigate to determine whether it accepts that the disclosure is wholly without substance or merit. If Belmont College views the disclosure as not having sufficient merit to warrant further action, the employee will be notified in writing of the grounds for Belmont College's conclusion and will also be informed that no further action will be taken by Belmont College under this policy and procedure.

### **6.1 Conditions to be considered when making this judgement may include:**

- If Belmont College is satisfied that an employee does not have a reasonable belief that suspected malpractice is occurring
- If the matter is already the subject of legal proceedings or appropriate action by an external body
- If the matter is already subject to another, appropriate Belmont College procedure. When an employee makes a disclosure, which has sufficient substance or merit warranting further action, Belmont College will take action it deems appropriate (including action under any other applicable Colleges policy or procedure).

### **6.2 Possible actions could include:**

- Internal investigation.
- Referral to Belmont College's Auditors.
- Referral to relevant external bodies such as the police, Ofsted, QAA, OFS, the NSPCC, Health and Safety Executive or the Information Commissioner's Office depending on the concern.

If appropriate, any internal investigation would be conducted by the Head of Quality at Belmont College without any direct association with the individual to whom the disclosure relates to, or by an external investigator appointed by Belmont College as appropriate.

The appointed investigator will study the concerns raised and possible courses of action to be taken (this may involve a confidential discussion with the College's Auditors). Any recommendations for further action made by Belmont College will be addressed to the Chief Executive Officer / or the Chair of the Advisory Board, as appropriate in such situations.

The appointed investigator 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 informed of the outcome and of any action taken by Belmont College under this policy and procedure within a reasonable period of time.

Following this process, if the employee is not satisfied that their concern has been appropriately addressed, they have the opportunity of appealing against the outcome by raising the issue with the Chief Executive Officer or the Chair of the Advisory Board. The appeal must be done within ten working days of receiving the conclusion.

At this stage, it is the responsibility of either the Chief Executive Officer or the Chair of the Advisory Board to make a closing judgement on action to be taken and inform the employee making the disclosure in writing.

## **7 Safeguards for Employees Making A disclosure**

Any employee that raises a disclosure under this procedure can rest assured that their concern will be treated privately and confidentially by Belmont College. Where relevant, Belmont College will not reveal their name to anyone implicated in the suspected wrongdoing, without their prior approval.

Bellmont College will take strategic and sound steps to secure that any reports, recommendations, or other pertinent documentation, produced by Belmont College does not expose the employee concerned without their written consent, or unless Belmont College is legally obliged to do so, or for the purposes of seeking legal advice.

At Belmont College, no formal disciplinary action will be taken against any employee/s on the grounds of making a disclosure. No employee will suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Belmont College for making a disclosure in accordance with this policy and procedure.

On the other hand, if an employee is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by Belmont College against the colleague in question.

## **8 Disclosure to External Bodies**

This policy and procedure has been implemented at Belmont College with the aim of permitting employees to raise disclosures internally within the College.

All employees have the right to make a disclosure outside of Belmont College where there are reasonable grounds to do so and in accordance with the law however, it is anticipated this action will only be escalated once the internal procedure is exhausted.

Such disclosures can be made to a suitable external body prescribed by the law. A list of 'prescribed' organisations and bodies can be found on the GOV.UK website in the Information Section of:

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

Employees can also make disclosures on a confidential basis to a practising solicitor or barrister.

It should be noted however that if an employee/s search for advice outside of Belmont College, they must ensure not to breach any confidentiality obligations or damage Belmont College's reputation through their actions.

## **9 Accountability**

Bellmont College will:

- keep and maintain a record of all concerns raised under this policy and procedure (including cases where Belmont College deems that there is no case to answer and that no further action will be taken).
- all concerns raised under this policy (including cases where Belmont College deems that there is no case to answer and therefore that no action should be taken) will be reported to the Chief Executive Officer and the Advisor Board.

## **10 Further Assistance for Employees**

No harassment, bullying or victimisation of employees who make disclosures at Belmont College will be accepted or tolerated.

If, at any stage of this procedure an employee feels that they are being subject to any such pressures because they have made a disclosure, then they should raise this matter, in writing, to the Head of Quality.

If any employee making a disclosure wants to discuss this matter confidentially with someone other than the Head of Quality at Belmont College, then they can speak to the Head of Academic and Pastoral support for further support and guidance.

## **11 Exceptions**

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

Bellmont College reserves the right to raise disciplinary action against any employee where:

- Belmont College has grounds to believe that a disclosure was made maliciously or vexatiously,
- When a disclosure is made outside Belmont College without reasonable grounds.

<b>Bellmont College Whistleblowing and Public Concern Policy</b>					
<b>Version</b>	<b>Date</b>	<b>Author(s)</b>	<b>Amendments</b>	<b>Approved by</b>	<b>Next review</b>
1	Mar 2023	EWW	New Document	Advisory Board	October 2024
2	February 2024	EWW	Revised no update or changes made	Advisory Board	October 2024

<b>Document Context</b>	
This document relates to:	
<b>Document/Policy</b>	<b>Date/version</b>
Bellmont College Quality Assurance Handbook	February 2024 v2
Bellmont College Employee Handbook	February 2024 v2
Bellmont College Complaint Policy and Procedure	February 2024 v2
Bellmont College Safeguarding Framework	February 2024 v2
Bellmont College Equality and Diversity Policy	February 2024 v2
Bellmont College GDPR and Retention Policy	February 2024 v2