



Policy:	Whistle Blowing Policy and Procedure
Date of approval:	February 2021
Effective date:	February 2021
Next review date:	September 2021

1. Purpose and Scope

- 1.1. This policy applies to all staff members of Cambridge College of Management & Sciences (CCMS) Birmingham. The College is committed to operating in an ethical and principled way.
- 1.2. Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.
- 1.3. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.4. CCMS 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 concerns about malpractice in connection with CCMS.
- 1.5. This policy and procedure also aims to encourage workers to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.6. 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 that are not well founded.
- 1.7. The principles of openness and accountability, which underpin legislation protecting whistle blowers, are reflected in this policy and procedure. CCMS is also committed to ensuring compliance with the Bribery Act 2010.
- 1.8. Learners at CCMS are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Head of Student Services. This policy and procedure is designed for the use of workers of CCMS.

2. Applicability of this policy and procedure

- 2.1. This policy applies to all workers of the CCMS, including apprentices; and
- 2.2. Workers which includes any casual workers; home based casual workers; and employees of subcontractors; and
- 2.3. Agency workers engaged by the CCMS.
- 2.4. Workers 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 CCMS's Grievance Procedure. Any worker in this situation is encouraged to approach the Human Resources in confidence for advice.

3. Protected disclosures

- 3.1. The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2. 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 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 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.

4. 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 (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.

5. Procedure for making a disclosure

- 5.1. Information, which a worker reasonably believes tends to show one or more of the situations given in Section 4, should promptly be disclosed to their line manager, preferably in writing, so that any appropriate action can be taken.
- 5.2. If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with the Head of Governance.
- 5.3. If the disclosure relates to the senior staff, a worker can raise the issue with the Chair of Governance. In the event that the disclosure relates to the Chair of Governance
- 5.4. Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, CCMS will not be in a position to notify the individual making the disclosure of the outcome of action taken by CCMS. Anonymity also means that CCMS will have difficulty in investigating such a concern. CCMS 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;
 - 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, workers should speak in confidence to the Head of Governance.

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6. Procedure for investigation of a disclosure

- 6.1. When a worker makes a disclosure, CCMS will acknowledge its receipt, in writing, within three working days.
- 6.2. CCMS will then determine whether it believes that the disclosure is wholly without substance or merit. If CCMS considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for CCMS's decision and advised that no further action will be taken by CCMS under this policy and procedure. Considerations to be taken into account when making this determination may include the following:
 - If CCMS is satisfied that a worker 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
- 6.3. When a worker makes a disclosure which has sufficient substance or merit warranting further action, CCMS will take action it deems appropriate (including action under any other applicable Colleges policy or procedure).
Possible actions could include internal investigation; referral to CCMS's auditors; or referral to relevant external bodies such as the police, Health and Safety Executive or the Information Commissioner's Office.
- 6.4. If appropriate, any internal investigation would be conducted by the manager of CCMS without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by CCMS as appropriate. S/he will investigate the concerns raised and possible courses of action to be taken
- 6.5. Any recommendations for further action made by CCMS will be addressed to the Director of Studies, 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 worker making the disclosure will be notified of the outcome of any action taken by CCMS under this policy and procedure within a reasonable period of time. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Director of Studies within ten working days of receiving the outcome. The Director of Studies will make a final decision on action to be taken and notify the worker making the disclosure. This will be in writing and sent to the worker's home address.

7. Safeguards for workers making a disclosure

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

8. Disclosure to external bodies

- 8.1. This policy and procedure has been implemented to allow workers to raise disclosures internally within the College. A worker has the right to make a disclosure outside of CCMS where there are reasonable grounds to do so and in accordance with the law. However, it is expected that the internal procedure will be exhausted before doing so.
- 8.2. 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.
- 8.3. Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4. If a worker seeks advice outside of CCMS, they must be careful not to breach any confidentiality obligations or damage CCMS's reputation in so doing.

9. Accountability

- 9.1. CCMS will keep a record of all concerns raised under this policy and procedure (including cases where CCMS deems that there is no case to answer and therefore that no action should be taken).
- 9.2. All concerns raised under this policy (including cases where CCMS deems that there is no case to answer and therefore that no action should be taken) will also be reported to the Head of Governance who will report to the Corporation on an annual basis as appropriate.

10. Further assistance for workers

- 10.1. CCMS 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 the Director of Studies.
- 10.2. A worker making a disclosure may want to confidentially request counselling or other support from CCMS's occupational health service. Any such request

for counselling or support services should be addressed to the Human Resources Officer. Such a request would be made in confidence.