

HART LEARNING GROUP

WHISTLEBLOWING POLICY

GOVERNANCE AND CONTROL



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AUDIENCE

Applicable to students?	Yes
Accessible to students?	Yes
Accessible to public?	Yes

PURPOSE

The policy helps us ensure that you know what to do if you have a concern about something happening at North Hertfordshire College.

- At one time or another you may have a concern about what is happening at work, your place of study or an organisation you interact with. Usually, concerns are easily resolved and there are various procedures for reaching such resolution such as discussions with a colleague, teacher or college representative.
- However, when the concern feels serious because it is about a possible fraud, danger to staff, students or the public or malpractice in the way in which the organisation operates it can be difficult to know what to do.
- You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling that it is “none of your business” or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the college. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- The Board and Chief Executive of the Hart Learning Group are committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage

and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

- If something is troubling you which you think we should know about or look into, please use this policy.
- If, however, you wish to make a complaint about your employment or how you have been treated, please use the appropriate policy, for example the grievance, dignity at work or our compliments, feedback and complaints policy. Staff will find all these policies in SharePoint with the HR or Quality policies; the compliments, feedback and complaints policy is also available on the college website.
- This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, students and customers, staff or the organisation itself. Annex A provides short case studies of whistleblowing that have been handled by our partner organisation, "Protect (Whistleblowing Advice) Ltd which are intended to give examples of the sorts of concerns that we would consider 'whistleblowing'.

SCOPE

This policy applies to all who work for us, whether full-time or part-time, employed through an agency or as a volunteer and all employees within the Hart Learning Group including North Hertfordshire College, Hart Learning & Development, Hart Schools Trust and Group Corporate Services.

This policy may also be used by a student, member of the public, contractor or sub-contractor.

OUR ASSURANCES TO YOU

Your Safety

- The Board and Chief Executive are committed to this policy. Provided you are raising a genuine concern, then it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter that they know is untrue.
- If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

Your Confidence

- With these assurances, we hope that you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.
- Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We

will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

- To support colleagues that may be unsure about raising a concern the Group has commissioned an independent organisation, Protect (Whistleblowing Advice) Ltd to support and advise staff with Whistleblowing advice (see contact details under Independent Advice).

RAISING A CONCERN INTERNALLY

- Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

- If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or team leader, if you work for our College. This may be done verbally or in writing. However, you do not need to take this step first or at all if you feel this would not be appropriate – you can proceed immediately to either Step Two or Step Three.

Step Two

- If you feel unable to raise the matter with a manager, for whatever reason, then please raise the matter with: Robert Dale, Company Secretary, rdale@nhc.ac.uk
- The Company Secretary has responsibility for and is trained in dealing with whistleblowing concerns.
- If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.

Step Three

- If the step two channel has been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with the Company Secretary, then please contact: The Chair of the Audit Committee, Hart Learning Group, Cambridge Road, Hitchin, SG4 0JD.

HOW WE WILL HANDLE THE MATTER

- We will acknowledge receipt of your concern, usually within two working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you.
- In all cases the Chair of the Audit Committee will be notified of the concern that has been raised. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing, then please let us know.

- When you raise the concern, it may be helpful for us to know how you think the matter might best be resolved. However, you do not need to describe your preferred outcome if you do not wish to do so.
- If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.
- Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.
- While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.
- If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern then please contact any of the staff listed above or the HR manager.

WHAT TO DO IF SOMEBODY RAISES A CONCERN WITH YOU

- If somebody raises a concern with you (for example, as a manager or team leader approached as suggested in Step One above) please make a written note of the issues identified and take a copy of any documents or other evidence provided in support of the concern.
- Please also make a note of the contact details of the person disclosing the concern, if they are willing to provide them, so that they can be approached during any resulting investigation. If a Whistleblower wishes to remain anonymous, that will not prevent the issue being investigated but may hamper enquiries and prevent feedback from being given.
- Please inform the Company Secretary or Chair of the Audit Committee of the issue and send them the written note of the concern and any accompanying evidence within two working days of your receiving it.

INDEPENDENT ADVICE

- If you are unsure whether or not to use this policy or you want confidential advice at any stage, then you may contact the independent charity, Protect (Whistleblowing Advice) Ltd on 0203 117 2520 or by email at whistle@protect-advice.org.uk. Their staff and/or lawyers can talk you through your options and help you raise a concern about malpractice at work.

EXTERNAL CONTACTS

- We hope this policy gives you the reassurance you need to raise your concern internally with us. However, we recognise that there may be circumstances where you can properly report a concern to an outside body such as the appropriate regulator. We would rather you raised a matter with the appropriate regulator – which for the further education sector in England would be either Ofsted, Ofqual or the Secretary of State for Education - than not at all. A link to the list of 'prescribed bodies' acting as the relevant regulator is given below.

- Protect (Whistleblowing Advice) Ltd will be able to advise you on such an option if you wish.

MONITORING AND OVERSIGHT

- The Board and its Audit Committee are responsible for this policy and will:
 - Review it periodically;
 - Receive updates on all whistleblowing disclosures.
- The Senior Management Team:
 - Will monitor the day-to-day operation of the policy (if you have any comments or questions, please do not hesitate to let one of their team know);
 - Is responsible for ensuring that there is awareness of this policy through regular communication and promotion;
 - Is responsible for ensuring that staff with defined responsibilities within this policy receive appropriate training.

FURTHER EDUCATION SECTOR REGULATORS

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

Ofsted

The Chief Inspector
Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD

Tel: 0300 123 3155

Email: whistleblowing@ofsted.gov.uk

Ofqual

Whistleblowing and malpractice
Complaints investigation manager
Ofqual
Earlsdon Park
53-55 Butts Road
Coventry CV1 3BH

Tel: 0300 303 3344

Email: whistleblowing@ofqual.gov.uk

Online form: complaints.ofqual.gov.uk/new-concern

Department for Education

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Tel: 0370 000 2288

Website: www.gov.uk/contact-dfe

ANNEX A: WHISTLEBLOWING CASE STUDIES

Protect (Whistleblowing Advice) Ltd- case study 1

Niamh (not her real name) was a teacher in a special needs school and had safeguarding concerns surrounding the behaviour of one of the other teachers at the school. Niamh witnessed a teacher showing her colleagues a sexually explicit image of one of the students. The same teacher also spoke inappropriately about her own sex life in front of another student.

Niamh raised her concerns internally and the teacher was suspended for several months. Once elapsed, the teacher returned to the school and resumed her position. Furthermore, Niamh was in fact disciplined by her employer for not having raised her concerns sooner.

Shortly thereafter, Niamh resigned because she did not wish to continue working alongside the other teacher. She wrote to the Education Authority, who reassured her that her concerns had been dealt with. Niamh was frustrated with the handling of her concerns, and believed that safeguarding issues would remain so long as the teacher remained at the school.

Niamh believed that by disciplining her, her employer had subjected her to negative treatment for raising her concerns. As she was not satisfied with the outcome of the Education Authority's investigation, Niamh contacted Protect for advice on how to escalate the matter.

Protect helped Niamh identify other internal routes of escalation within the school, including approaching the governors. Protect also advised Niamh on how to re-engage the Education Authority and discussed the role other regulators could play.

Protect (Whistleblowing Advice) Ltd- case study 2

Andre (not his real name) was a residential social worker in a children's home. He was increasingly concerned that a colleague, Lionel (not his real name), seemed to have developed a close relationship with a 12 year old girl in the home. During a holiday, Lionel insisted that the girl should travel in his car alone with him and he spent a lot of time with her during the holiday.

Andre and a colleague raised their concerns discreetly to the local authority who launched an investigation and put Lionel on special leave. Once the investigation concluded, Lionel returned to work and Andre called Protect worried that this was the wrong decision.

We advised Andre to contact the Head of Child Protection at the local authority to explain his concerns. However, we also clarified that it was for the local authority to decide the appropriate action and what mattered was that it was sure that Lionel was not a risk. We highlighted that Lionel's return to the home did not mean that no action had been taken.

Andre spoke to the local authority and felt reassured with its decision as he knew that it would monitor the home and remind staff of the value of whistleblowing.

Protect (Whistleblowing Advice) Ltd- case study 3

Mary (not their real name) worked at an independent school for children with special educational needs.

She was only there only a short time when she started having a number of health and safety concerns about the school. Mary never received any appropriate health and safety training from the organisation, despite being designated the lead first aider. Mary repeatedly asked when the training was to take place, as she was concerned that she would not be able to assist pupils or staff in the event of an emergency. Mary was also told to dispense medication to the students without parental permission, or having any form of training to do this. Parental permission sheets had long expired (annual renewal was not sought by the school) and frequently contained either wrong, or no, information to enable parental notification.

Fire safety was also a concern, and fire alarms were never tested (despite this being a legal requirement) and fire exits often blocked, causing a danger to the staff and students.

Mary raised her concerns a number of times with various staff members including the Head, Bursar and Chair of Governors, but her concerns were never addressed.

Ostracised and bullied by the staff, Mary felt her position was untenable and resigned. Her employer, however, told her to leave before her notice period was over.

Protect listened to Mary's concerns and said she had acted correctly by raising these important concerns. We clearly explained her rights under the Public Interest Disclosure Act 1998 in case she wished to challenge her dismissal or bring a claim against her employer. We also advised Mary that she could escalate her concerns to the Department for Education. Mary now awaits a formal investigation by the school with an independent panel.