

Whistleblowing Policy

I. Introduction

The College seeks to conduct its affairs transparently and responsibly. This policy aims to demonstrate that the College:

- a) will not tolerate malpractice;
- b) respects the confidentiality of students and staff that raised concerns and will provide procedures to maintain confidentiality so far as it is consistent with the effective resolution of the issues;
- c) will invoke the College's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations;
- d) will provide a clear and simple procedure for raising concerns.

II. Scope of the Policy

The policy is designed to ensure that those that have genuine concerns about the conduct of others and believe that disclosure is in the public interest have a safe and secure mechanism to raise this without the fear of victimisation or detriment to work or studies in DGHE.

This Policy applies to all individuals, whether studying or working at the College, including contracted and visiting staff, and other partners or collaborators.

This policy has been designed to ensure that no-one receives less favourable treatment due to the protected characteristics of age, disability, gender (including gender identity), ethnicity and race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity and social and economic background.

III. Whistleblowing

Whistleblowing is defined as reporting certain types of wrongdoing. This is commonly known as ‘making a disclosure in the public interest’, as defined by the Public Interest Disclosure Act 1998.

This policy, and the accompanying procedure on whistleblowing, will enable staff, students, and other partners or collaborators of DGHE to raise concerns internally and confidentially about possible malpractice such as:

- fraud;
- corruption, bribery or blackmail;
- conflict of interest;
- dangers to health, safety or the environment;
- failure to comply with a legal or statutory obligation, or instrument of governance;
- academic or professional malpractice;
- administrative or management malpractice;
- obstruction or frustration of the exercise of academic freedom;
- deliberate concealment or suppression of crime;
- improper conduct or unethical behaviour;
- serious breaches of the College’s own policies and regulations;
- suppression or concealment of any of the above matters.

A whistleblower is a person who raises a genuine serious concern in good faith relating to any of the above. The whistleblower may or may not be directly affected by the matter.

If a student or member of staff is uncertain whether something is within the scope of this Policy, they should seek advice from Public Concern at Work (<https://www.pcaw.org.uk>), which is an independent whistleblowing charity that has a hotline for advice.

All disclosures should be made with the “reasonable belief” that it is in the public interest. Public interest is dependent on a number of factors including the number of workers



affected, the nature of interests affected, the nature of the wrongdoing and the identity of the alleged wrongdoer. Complaints that relate to a personal grievance are not covered by this policy.

Although a disclosure under the current policy may be investigated under the procedure detailed here, such investigation may lead to the invocation of other policies and procedures, when necessary and appropriate.

All UK employees are protected under the Public Interest Disclosure Act 1998.

IV. DGHE Employees

This policy covers DGHE employees (full-time, part-time, fixed-term contract) that have a genuine concern about the conduct of others and believe that the disclosure is in the public interest. Qualifying disclosures must convey facts. Merely stating an allegation, rumour or an opinion is not a disclosure of information. However, a disclosure of information doesn't require substantial evidence.

It should be noted that a disclosure will not qualify for protection if the person making the disclosure commits an offence making it (for example, breaching professional privilege). The Public Disclosure Act makes it unlawful for an employer to dismiss an employee for having made a protected disclosure of information.

V. DGHE Students

This policy covers DGHE students that have genuine concerns about malpractice, or any other concerns that might affect the College, staff, or another student.

The College will treat all disclosures seriously, consistently and fairly, and is committed to the protection to all genuine whistleblowers, regardless of status, and will regard any subsequent victimisation or reprisal as a disciplinary offence. The College aims to promote an environment and culture where individuals can feel safe knowing that raising concerns



will not result in any form of retaliation. However, if the College concludes that an individual has made malicious allegations, in bad faith or for personal gain, that individual will be subject to disciplinary action under the relevant procedure.

VI. Confidentiality and Anonymity

Students or staff will not suffer any detrimental treatment as a result of raising a concern without malice, in good faith, reasonably believing it to be true. Detrimental treatment includes but is not limited to suspension/removal from studies, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. Students and staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

Individuals making disclosures under this Policy are encouraged to give their names. Anonymous disclosures are not as strong and may prove difficult to investigate, but they will be considered at the discretion of the College. This will take in consideration the seriousness of the issues raised, the credibility of the information disclosed, and the likelihood of confirming the information from other sources.

DGHE will treat all disclosures of information, under this Policy, in a confidential and sensitive manner. The identity of individuals making the allegations will be kept confidential if requested by the individuals concerned, and as long as it does not hinder or frustrate any investigation.

VII. Stage 1: Raising a Concern

Concerns should be raised as soon as possible via line managers, heads of school, official committees, or through student representatives. If neither of these channels is deemed suitable by the individual, the concern can be raised via the Director of Higher Education. The person notified may be able to agree a way of resolving the concern quickly and effectively.



Where the matter is more serious, or the individual prefers not to raise the matter directly with the line manager, head of school, official committees, or student representatives, the individual should make the disclosure, in writing, via email, to the Designated Person, who will normally be the Operations Manager, Chris Baynard-Smith, (confidential@dghe.ac.uk). If the disclosure is about the Operations Manager, it should be made directly to the Director of Higher Education, Dr John Sanders, (jsanders@davidgamecollege.com).

Note: should the person raising the concern wish to remain anonymous, which may not be possible if making a submission by email, the College operates a “Suggestion Box” which could also be utilised for whistleblowing purposes.

Where two or more individuals have knowledge of the same information, they need to make separate disclosures, and should not discuss the matter further, as to prevent counter-allegations of collusion or manufactured information.

VIII. Stage 2: The Formal Investigation

The Designated Person to whom the disclosure has been made will undertake an initial consideration of the information made available and assess the extent of the disclosure as an indication of malpractice.

If, the Designated Person decides that the disclosure doesn't contain any information that meets the criteria of Section III, no further action will be taken. The individual that made the disclosure will be informed of the decision, along with the reasons that justify the decision taken, within fourteen (14) days of the disclosure having been received.

If, the Designated Person decides that the disclosure does contain an indication of malpractice, but outside of the scope of the current policy, the Designated Person will invoke the appropriate College policy or procedure, and forward the case to the relevant individual/committee.

If, the Designated Person decides that the disclosure does fall within the scope of the current policy, it will acknowledge its receipt and keep a record of action taken. This will



include an initial assessment to determine the scope of any investigation. The Designated Person may appoint another person to undertake the investigation on their behalf, when there is a conflict of interest.

Where there is an investigation, the person or persons identified as the subject of the concern will be informed of each allegation made against them and any evidence supporting it and will be allowed to comment before the investigation is concluded.

The Designated Person will aim to keep the whistleblower informed of who is handling the matter, the progress of the investigation and its likely timescale. However, the need for confidentiality of the procedure may prevent the Designated Person to provide specific details of the investigation or outcome. The whistleblower should treat any information about the investigation as confidential.

Upon the conclusion of the investigation, the Designated Person will let the whistleblower know the outcome. The Designated Person is responsible for the submission of a report to the Director of Higher Education.

IX. Stage 3: The Right to Appeal

If the whistleblower is not satisfied with the way in which their concern has been handled because either:

- a. they believe the procedures have not been followed properly;
- b. there is evidence of prejudice or bias; or
- c. there is further evidence which was not available at the time the original concerns were raised;

the Director of Higher Education will decide if there is a right of appeal on these grounds. If there is, the Director will appoint an independent member of the Governance Board to hear the appeal. The Director will submit the report produced by the Designated Person, to the Board. The Director will inform the whistleblower the outcome of the appeal.



If a student whistleblower is not satisfied by the process or outcome of the procedure, they may be entitled to refer the matter to the Office for Students (<https://www.officeforstudents.org.uk>), or any designated quality body under the Higher Education and Reform Act. If a staff member, is not satisfied by the process or the outcome of the procedure, they may be entitled to refer the matter to an external body, including: HM Revenue and Customs, Financial Conduct Authority, Health and Safety Executive, Environment Agency, Independent Police Complaints Commission, or Serious Fraud Office.

X. Further Information

The aim of this Policy is to provide an internal process for reporting, investigating and remedying any suspected wrongdoing at the College. As such, while it is accepted that in some circumstances it may be appropriate to report concerns to an external body, such as a regulator, the College recommends that the internal process be used in the first instance.

Whistleblowing usually relates to the conduct of Students and/or Staff but can sometimes relate to the actions of a third party, such as a supplier or service provider. In this instance, the current policy will apply in the first instance.

The Policy is designed to facilitate the disclosure of genuine concerns of wrongdoing. However, such disclosure must be in the public interest. Concerns that are not of a public interest nature, or those which fall into an area covered by another policy, will not be considered under this Policy.

This Policy cannot be used in order to re-open or review a matter that is currently, or has already been decided, under one of the College's other procedures.

Version Control:

Version	Signature	Date	Approved by	Notes
V1.0	A Areal	01.10.2018	QSC	Published internally via Moodle after QSC discussion and approval
V1.1	J Sanders	14/11/18	QSC	Minor pp5