



Public Interest Disclosures (Whistleblowing) Policy and Procedure

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Professional



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Collaborative



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1. Introduction

The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regulatory Reform Act 2013, protects the employee against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Myerscough College and University Centre is a publicly funded organisation and is committed to the Ten Principles of Public Life:

- Selflessness
- Honesty and Integrity
- Objectivity
- Accountability
- Openness
- Personal Judgement
- Respect for Others
- Duty to Uphold the Law
- Stewardship
- Leadership

Such a culture should help all employees, at all levels, regardless of age, disability, race, ethnic or national origins, religious or political beliefs and affiliations, gender, sexual orientation, marital status and family responsibilities to feel free to report genuine concerns about malpractice without fear or reprisal.

It is the College's policy to ensure that 'whistleblowing' is facilitated in a manner which fosters openness yet allows for the legitimate protection of the 'whistleblower'.

2. Definition of Whistleblowing

Whistleblowing is not legally defined; however, Lord Borries (QC Business Ethics and Accountability) described it as:

"Whistleblowing is the disclosure by an employee (or Professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or his fellow employees".

Whistleblowing is when a report is made about suspected wrongdoing or dangers at work, which is in the public interest. A whistleblower is someone who raises genuine concerns about a wrongdoing or malpractice or danger so that problems can be identified and resolved quickly.

Malpractice is taken seriously by Myerscough College and University Centre. The Corporation and Executive Leadership Team are committed to ensuring that the College is always administered honestly and that it is operating in a climate of openness in which staff can raise legitimate concerns.

The College is also committed to ensuring compliance with any legal obligation, including those in relation to bribery and corruption and tax evasion facilitation.

This policy and procedure also aims to encourage staff members to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows staff members to raise such concerns externally and this policy informs staff members 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.

3. Scope

- 3.1 This policy applies to all employees and Governors of the College. This includes apprentices, volunteers, interns, contractors, temporary employees and agency staff employed by the College.
- 3.2 This policy does not form part of any contract of employment and may be amended at any time.
- 3.3 This policy is not directed at students who can instead raise genuine concerns about suspected wrongdoing by making a complaint in accordance with the Complaints and Compliments Policy and Procedure.

4. When to Use this Policy

There is a difference between whistleblowing and raising a grievance:

- whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, e.g. because it threatens students, third parties or the public generally; but
- a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work. This should be progressed using the College's Resolution Policy.

4.1 Managing Allegations and Concerns regarding Staff in a Safeguarding Context

Reference should be made in the first instance to the Safeguarding Policy and procedure, see Section 14 below).

4.2 General Grievances

Any member of staff who has a complaint about their own personal circumstances should use the Staff Resolution Policy and Procedure.

Any member of staff who is unsure about whether to raise their concern under this policy is encouraged to approach the Director of Governance in confidence, or a member of the College's People Team for advice.

5. Protected Disclosures

The law protects staff members who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

The law allows staff members 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 below).

A 'protected disclosure' must, in the reasonable belief of the member of staff making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice. It must meet the following criteria:

- The procedure in this policy has been followed.
- The employee has acted in the public interest and not for personal gain or out of personal motives.
- It must consist of information and not merely be allegations of suspected malpractice.

Under no circumstances should staff members speak to the media or to any other person or body without first exhausting the proper procedure.

If, in the course of their employment, a member of staff becomes aware of information which they reasonably believe tends to show one or more of the following (or they believe a matter is not being addressed by College procedures or processes), they must use this policy and procedure:

- A criminal offence has been committed, is being committed or is likely to be committed.
- An individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring, or is likely to occur.
- The health or safety of any individual has been, is being, or is likely to be, endangered.
- The environment, has been, is being, or is likely to be, damaged.
- Information tending to show any of the above, is being, or is likely to be, deliberately concealed.

The policy and procedure should be used if serious malpractice is discovered within the College for example:

- Actual, suspected or attempted fraud (see Section 15 below)
- financial irregularity or misconduct (see Section 15 below)
- corruption
- bribery
- dishonesty
- miscarriage of justice
- criminal activity
- creating or ignoring a serious risk to health and safety
- serious breach of Safeguarding rules and procedures outside of the Safeguarding Policy (see Section 14 below)
- risk or damage to the environment
- you believe someone is guilty of wrongdoing

The above list is not intended to be exhaustive.

6. Procedure for Making a Disclosure

- 6.1 Information which a staff member reasonably believes tends to show one or more of the situations given in Section 5 should promptly be disclosed to their line manager so that any appropriate action can be taken.
- 6.2 If it is inappropriate to make such a disclosure to their line manager, a staff member can raise the issue with the Vice Principal & Deputy CEO or the Director of Governance.
- 6.3 If the disclosure relates to the Principal & Chief Executive Officer, a staff member can raise the issue with the Director of Governance. In the event that the disclosure relates to the Director of Governance, this can be raised with the Chair of Governors.
- 6.4 Staff members are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in investigating such a concern. The College 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; and
 - the credibility of the concern;
 - how likely it is that the concern can be confirmed from attributable sources.
- 6.5 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 Vice Principal and Deputy CEO or the Director of Governance.

7. Procedure for the Investigation of a Disclosure

- 7.1 Allegations should normally be raised in writing. In exceptional circumstances it may be appropriate for a concern to be raised orally with the Director of Governance. The College will acknowledge receipt, in writing, within a reasonable time.
- 7.2 If the matter to be investigated is thought to potentially involve gross misconduct, the employee who is the subject of the investigation may be immediately suspended while the investigation proceeds. Similarly, if during the investigation the Director of Governance is of the view that a serious breach of discipline may have occurred, the employee against whom allegations have been made may be suspended.

Full details of the rules governing suspension pending a disciplinary hearing are included in the Disciplinary Policy.

- 7.3 The College will carry out an initial assessment to determine the scope of an investigation and will inform the complainant of the outcome of its assessment.
- 7.4 The College will determine the appropriate action to take (including action under any other applicable College policy or procedure).

Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, Ofsted, Health & Safety Executive or the Information Commissioner's Office. If the allegations concern financial misconduct, the investigating officer may engage the services of an appropriate external organisation to carry out or assist with the investigation.

- 7.5 If appropriate, any internal investigation would be conducted by a Manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College, as appropriate. In some cases, the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.
- 7.6 Any recommendations for further action made by the College 'will be addressed to the Principal & CEO or Chair of Governors, as appropriate to 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.
- 7.7 The staff member making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving the complainant specific details of the investigation or any disciplinary action taken as a result. The complainant should treat any information about the investigation as confidential.
- 7.8 If the staff member is not satisfied that their concern has been appropriately addressed, they can raise it with the Principal & CEO within 20 working days. The Principal & CEO will make a final decision on action to be taken and notify the member of staff making the disclosure.
- 7.9 There may be circumstances where the College concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:
 - the College is satisfied that the member of staff does not have reasonable belief that suspected malpractice is occurring; or
 - the matter is already the subject of legal proceedings or appropriate action by the external body; or
 - the matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.

8. Safeguards for Staff Making a Disclosure

- 8.1 A staff member making a disclosure under this policy and procedure can expect the matter to be treated confidentially by the College and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 8.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the member of staff making the disclosure without their written consent, or unless the College is legally obliged to do so, or for the purposes of seeking legal advice.

- 8.3 No formal disciplinary action will be taken against a member of staff on the grounds of making a disclosure made under this policy and procedure.

This does not prevent the College from bringing disciplinary action against a member of staff where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.

- 8.4 A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy and procedure. Equally, where a member of staff is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

9. Disclosure to External Bodies

- 9.1 The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases members of staff should not find it necessary to alert anyone externally.
- 9.2 The law recognises that in some circumstances it may be appropriate for members of staff to report concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The College strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect (previously known as Public Concern at Work), operates a confidential helpline.
- 9.3 Staff members may make a disclosure to an appropriate external body as prescribed by the law.
- 9.4 A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect and on the GOV.UK website at:

[Whistleblowing: list of prescribed people and bodies-GOV.UK](#)

If a staff member seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

10. Accountability

The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the Board's Audit & Risk Committee on an annual basis or sooner if appropriate.

11. Protection and Support for Staff Raising Concerns

- 11.1 The College will not tolerate any harassment or victimisation of staff who make disclosures. If, at any stage of this procedure a staff member 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 Principal & CEO or the Director of Governance.

- 11.2 Staff must not threaten or retaliate against whistleblowers in any way and staff that are found to be involved in such conduct may be subject to disciplinary action.
- 11.3 A staff member making a disclosure may want to confidentially request counselling or other support from the College's Occupational Health service (or similar). Any such request for counselling or support services should be addressed to the Vice Principal & Deputy CEO. Requests will be treated in confidence.
- 11.4 Staff can also contact the charity Protect (previously known as Public Concern at Work) for confidential advice on whistleblowing issues.

Protect is the UK's leading whistleblowing charity, dedicated to supporting individuals who report wrongdoing and ensuring their safety and rights are upheld. Contact details are as follows:

[Protect - Speak up stop harm - Whistleblowing Homepage](#)
244-254 Cambridge Heath Road London E2 9DA
Whistleblowing Advice Line: 020 3117 2520 or by webform

12. Confidentiality

Any matter raised under this policy and procedure will be treated in strictest confidence and the name of any staff member or member of the Corporation will not be disclosed without permission. Furthermore, any investigation will be carried out discreetly and the nature of the allegations and name(s) of those implicated will not be made public.

13. Misuse of the Policy and Procedure

Wilful misuse of this policy and procedure to knowingly make false or malicious accusations could constitute gross misconduct and may lead to disciplinary proceedings. Whistleblowing is not to be used to raise grievances. The College has a well-established procedure designed to resolve and redress employee grievances.

14. Child Protection and Safeguarding (including Prevent)

- 14.1 The College has extensive procedures for dealing with concerns around child protection and safeguarding issues.
- 14.2 All staff should feel able to raise concerns about poor or unsafe practice and potential failures in the College's safeguarding regime and know that such concerns will be taken seriously by the Executive Leadership Team.

- 14.3 If a member of staff has safeguarding concerns about another staff member who may pose a risk of harm to students (including volunteers, tradespersons, contractors and visitors) they should report to the Executive Director of People, a member of the Principalship or the Director of Student Support & Welfare/ DSL. However, this does not preclude raising a matter as part of the Whistleblowing Policy.
- 14.4 The Department for Education (DfE) has responsibility for funding the education and welfare of students and complaints can be directed to them online at: <https://education.gov.uk> or telephone: 0370 000 2288.
- 14.5 In addition, attention is drawn to Ofsted which has a social care remit for all under-18 students, particularly those in residence, they can be contacted at: [Ofsted - GOV.UK](https://gov.uk/ofsted) or

Contact Ofsted about Concerns

Email:

CIE@ofsted.gov.uk

Phone number:

0300 123 4666

15. The Prevention of Fraud

- 15.1 From 1st September 2025, organisations can be held criminally liable if an employee, agent, or other 'associated person' commits fraud that benefits the organisation. Unless the organisation can show they had reasonable measures in place to tackle fraud. There can also be liability where a fraud is committed to benefit a client of the organisation. Crucially, neither a Director nor a Senior Manager needs to have ordered, or even be aware of, the fraud for the organisation to be held liable for failing to prevent it. Whistleblowing plays a key role in combatting fraud. Fraud is most often discovered through tip-offs, with 43% of cases in 2024 involving a whistleblower. The new Failure to Prevent Fraud offence, part of the Economic Crime and Corporate Transparency Act 2023, means that, not only can the person who committed the fraud be prosecuted individually, but the organisation where they work can also be prosecuted for failing to prevent it from happening.
- 15.2 The College has a Counter-Fraud Policy and Response Plan. The College is committed to conducting its business fairly, honestly and openly and in accordance with relevant legislation, and to the highest standards of integrity and therefore encourages anyone who suspects that fraud has occurred within the College to whistleblow as per this policy.
- 15.3 Myerscough College takes a zero-tolerance approach to fraud of any nature or value; the College will investigate all suspected fraudulent activity and will act in every proven case.
- 15.4 The Counter-Fraud Policy sets out the roles and responsibilities of staff, Committees and other parties towards achieving the deterrence, prevention and detection of fraud. It outlines responsibilities for preventing and detecting fraud and sets out how staff should respond if they suspect that fraud is, or has, been taking place. The policy applies to any fraud, or suspected fraud, corruption, impropriety or irregularity involving employees, students, suppliers, consultants and contractors.

16. Equality

All Myerscough College Policies are subject to screening for Equality Impact Assessment.

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation

We not only fulfil our legal position in relation to current and future equality legislation but additionally go beyond compliance in providing and promoting “Opportunities for all to succeed”, free from any aspect of discrimination, harassment or victimisation.

You have a duty of care to look after the interests of and support your colleagues. This policy takes account of our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.