

PUBLIC INTEREST DISCLOSURE ("WHISTLEBLOWING") POLICY October 2022

Approved by LEG Group Board on 18 July 2022 and Leeds Conservatoire Board on 4 October 2022

Applies to:	
Harrogate College	✓
Keighley College	✓
Leeds City College	✓
Leeds Conservatoire	✓
Leeds Sixth Form College / Pudsey Sixth Form College	✓
Luminate Group Services	✓
University Centre	✓

CHANGE CONTROL

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ICE Committee (Conservatoire)	April 2022	
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Group Board	July 2022	
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Policy will be communicated via:	External: Via Luminare public website Internal: Via Policy Sharepoint site	
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1. POLICY STATEMENT

- 1.1 The Luminate Education Group (“the group”) is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as ‘workers’ in this policy) with information about how to raise concerns of suspected bribery, breaches of the law and other serious wrongdoings, and to provide protection against detrimental treatment as a result of raising a concern.
- 1.2 The group encourages workers to raise concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure intend to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the group without fear of reprisals, even if they turn out to be mistaken.
- 1.3 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 which are not well-founded.
- 1.4 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The group is also committed to ensuring compliance with the Bribery Act 2010.

2. APPLICABILITY OF THIS POLICY AND PROCEDURE

- 2.1. This policy applies to all employees, officers, consultants, contractors, volunteers, casual workers and agency workers. It is not directed at learners who can instead raise genuine concerns about suspected wrongdoing by using the relevant complaints procedure, available on the college or conservatoire’s website, as appropriate.
- 2.2. Any worker who is unsure about whether to raise their concern under this policy or as a personal grievance under the group’s grievance procedure is encouraged to approach the Group Director for People, Development and Culture in confidence for advice. A copy of the grievance procedure can be obtained from the HR Department.
- 2.3. The Luminate Education Group is committed to providing a safe environment for the whole college community and has a legal duty to safeguard. If workers are unsure whether it is appropriate to raise concerns under this policy or whether it is a safeguarding issue, they should contact the Nominated Senior Manager for Safeguarding. The NSPCC whistleblowing helpline is available for workers with concerns about safeguarding issues (0800 028 0285) or help@nspcc.org.uk.

The Luminate Education Group Safeguarding Policy can be found at this link:

<https://luminare.ac.uk/wp-content/uploads/Safeguarding-Children-and-Adults-Policy.pdf>

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 factual information and not merely be allegations of suspected malpractice.

4. SPECIFIC SUBJECT MATTER

- 4.1. 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;
 - 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;
 - Promotion of extremist behaviour and views (Prevent Duty);
 - Potential failure in the organisation's safeguarding arrangements.

For advice on what constitutes a protected disclosure under the Public Interest Disclosure Act 1998, workers can approach the independent whistleblowing charity, Protect (see section 10).

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 a member of the Executive Leadership Team (ELT) at Luminare Education Group, or the Executive Leadership Committee (ELC) at Leeds Conservatoire as appropriate, so that any appropriate action can be taken.
- 5.2. If the disclosure relates to a member of the ELT or ELC, a worker can raise the issue with the Director of Governance. In the event that the disclosure relates to the Director of Governance, a worker can raise the issue with the Chair of the Board.
- 5.3. If workers are unsure how to raise a disclosure or who to address a disclosure to, they can approach the Director for People, Development and Culture for confidential advice.
- 5.4. Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, we will not be in a position to notify the individual making the disclosure of the outcome of action taken by the group. Anonymity also means that the group will have difficulty in investigating such a concern. The group 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
 - 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, employees should speak in confidence to the Group Director for People, Development and Culture or the Director of Governance.

6. PROCEDURE FOR INVESTIGATION OF A DISCLOSURE

- 6.1. When a worker makes a disclosure, the recipient will acknowledge its receipt, in writing, within a reasonable time (usually no more than 10 working days).
- 6.2. The recipient will carry out an initial assessment to determine the scope of any investigation. It will inform the worker of the outcome of its assessment.
- 6.3. The group will determine the appropriate action to take (including action under any other applicable group policy or procedure). Possible actions could include internal investigation; referral to the group's auditors; or referral to relevant external bodies, such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
- 6.4. If appropriate, any internal investigation will be conducted by a senior manager of the group without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the group as appropriate. In some cases, the group may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.
- 6.5. Any recommendations for further action made by the group will be addressed to the Chief Executive or the Chair of the Board, 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 usually be notified of the outcome of any action taken by the group under this policy and procedure in writing within a reasonable period of time. However, sometimes the need for confidentiality may prevent the group giving the worker specific details of the investigation or any disciplinary action taken as a result. Workers should treat any information about the investigation as confidential.
- 6.7. If the worker is not satisfied that their concern has been appropriately addressed, they can raise it with the Chief Executive, or if the disclosure relates to the Chief Executive, the Chair of the Board (via the Director of Governance) within ten working days. The Chief Executive/Chair of the Board (or nominee) will make a final decision on action to be taken and notify the worker making the disclosure.
- 6.8. There may be circumstances where the group concludes that the disclosure is without substance or merit or it is not appropriate to carry out further investigations. This might apply where:
 - The group is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
 - The matter is already the subject of legal proceedings or appropriate action by an external body; or
 - The matter has already been raised and is being investigated or has been investigated and appropriate action has been taken.
 - The disclosure has been found to be of a vexatious nature.

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 the group and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval in writing.
- 7.2. The group will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation produced by the group, does not identify the worker making the disclosure without their written consent or unless the group 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 the group from bringing disciplinary action against a worker where the group has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the group 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 the group 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 the group against the colleague in question where there are reasonable grounds to do so.

8. DISCLOSURE TO EXTERNAL BODIES

- 8.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally.
- 8.2. The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The group strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline
- 8.3. 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 www.gov.uk website.

9. ACCOUNTABILITY

- 9.1. The group will keep a record of all concerns raised under this policy and procedure (including cases where the group deems that there is no case to answer and therefore that no action should be taken) and will report to the Audit Committee as and when appropriate.

10. FURTHER ASSISTANCE FOR WORKERS

- 10.1. The group 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 to the Principal and Chief Executive or, if relating to the Principal or Chief Executive, to the Chair of the Board.
- 10.2. A worker making a disclosure may want to confidentially request counselling or other support from the group's occupational health service. Any such request for counselling or support services should be addressed to the Group Director for People, Development and Culture. Requests will be treated in confidence.
- 10.3. Members of trade unions can also contact their representative for advice if required.
- 10.4. Workers can also contact the independent charity Protect for confidential help and advice on whistleblowing issues. Contact details are as follows:

Protect
The Green House

244-254 Cambridge Heath Road
London
E2 9DA

Telephone: 0203 117 2520

Website: www.protect-advice.org.uk

11. USEFUL EMAIL CONTACTS

Principal (Leeds City College) – Bill Jones
Bill.jones@luminare.ac.uk

Principal (Leeds Conservatoire) – Joe Wilson
Joe.wilson@lcm.ac.uk

Group CEO – Colin Booth
Colin.booth@luminare.ac.uk

Director of Governance – Melanie Halstead
Melanie.halstead@luminare.ac.uk

Group Director for People Development and Culture – Mala Dhillon
Mala.dhillon@luminare.ac.uk