



NEW COLLEGE
OXFORD

POLICY DOCUMENT

Whistleblowing non-Academic Staff

WHISTLE-BLOWERS

A) INTRODUCTION

1. New College is committed to operating with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
2. The policy aims to help employees and workers within the College to raise any serious concerns they may have about colleagues or anything taking place in the College with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.
3. The purpose of this policy is:
 - a. To encourage Staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that insofar as possible, their confidentiality will be respected;
 - b. To provide Staff with guidance as to how to raise those concerns;
 - c. To reassure Staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

B) WHO DOES THIS POLICY APPLY TO?

1. This policy applies to members of the non-Academic Staff, workers including casual workers, volunteers, interns, agency workers and contractors (collectively referred to as the **Staff** in this policy). There is a separate policy for members of the academic staff of the College.

C) WHAT IS WHISTLEBLOWING?

- 1) Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows:
 - a) a criminal offence;
 - b) failure to comply with a legal obligation;
 - c) a miscarriage of justice;
 - d) endangering the health and safety of an individual;
 - e) sexual harassment (unwanted conduct of a sexual nature, as defined in the Equality Act 2010);
 - f) environmental damage; or
 - g) concealing any information relating to the above.
- 2) A qualifying disclosure is protected if it is in the public interest, meaning it will also have to affect others. If your concern is personal to you, it is unlikely to count as being in the public interest.

- 3) These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.
- 4) A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities, you should report it under this policy.
- 5) You do not need to have proof that such an act is being, has been, or is likely to be committed. You do, however, need to hold a reasonable belief of such action having been, being or likely to be carried out.
- 6) This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or Harassment Policy depending on the nature of your complaint.
- 7) The College will take any concerns that you may raise relating to the above matters very seriously.

D) WHAT IS THE PROCEDURE?

- 1) You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly.
- 2) You can make your disclosure orally but written disclosures are preferable as these will make the process more efficient and effective. In your disclosure, you should:
 - a. State you are raising your concern using the whistleblowing policy;
 - b. Confirm whether you wish your identity to be kept confidential. If so, please refer to Clause E of this policy.
- 3) In the first instance you should report any concerns you may have to your Head of Department. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the HR Manager.
- 4) However, where the matter is more serious, or you feel that the Head of Department has not addressed your concern, or the concern is about the Head of Department, you should raise your concern with the HR Manager.
 - a. Where both the Head of Department and HR Manager may be conflicted, the report should be made directly to the Home Bursar who will determine the appropriate independent person to handle the matter. In the event that the Home Bursar may be conflicted or is otherwise unable to receive the report, the report should be made to the Bursar or another College Officer who will determine the appropriate independent person to handle the matter.
 - b. Where the matter concerns a senior member(s) of staff the report should be made directly to the Home Bursar who will determine the appropriate independent person to handle the matter. In the event that the Home Bursar may be conflicted or is otherwise unable to receive the report, the report should be made to the Bursar or another College Officer who will determine the appropriate independent person to handle the matter.
 - c. If 4a or 4b apply, all reference to the Head of Department or HR Manager in the remainder of this document will be substituted for the independent person.
- 5) The Head of Department and / or HR Manager will normally arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

- 6) The Head of Department and / or HR Manager will normally take a written summary of your concern and provide you with a copy after the meeting. They will also aim to give you an indication of how we propose to deal with the matter.

E) ANONYMITY AND CONFIDENTIALITY

- 1) The College hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every reasonable effort to keep your identity secret. However, if the circumstances mean we are unable to keep your concern confidential, (i.e. if it is necessary for anyone investigating your concern to know your identity), we will discuss this with you.
- 2) The College does not encourage Staff to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if the College cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Head of Department or HR Manager and appropriate measures can then be taken to preserve confidentiality.

F) INVESTIGATION AND OUTCOME

- 1) Once you have raised a concern, the Head of Department or HR Manager will carry out an initial assessment to determine the scope of any investigation. They will inform you of the outcome of their assessment. You may be required to attend additional meetings in order to provide further information.
- 2) The initial assessment will usually be determined within ten working days and you will be kept informed of progress throughout that time.
- 3) In some cases, we may appoint an investigator or team of investigators (Investigators), which will include staff with relevant experience of investigations or specialist knowledge of the subject matter, but may also include a third party where appropriate. The Investigators shall follow such procedure for their investigation as they may see fit.
- 4) The Investigators may make recommendations for change to enable the College to minimise the risk of future wrongdoing and will report the outcome of the investigation to the Governing Body, which will then take any necessary action.
- 5) The Head of Department or HR Manager will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent them from giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 6) If the Head of Department or HR Manager concludes that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.
- 7) The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. It will rarely if ever be appropriate to alert the media. The College strongly encourages you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. If an individual contacts the

confidential helpline they should ensure they inform the person they speak to of the contents of this policy. Their contact details are at the end of this policy.

G) TREATMENT BY OTHERS

- 1) It is understandable that whistleblowers are sometimes worried about possible repercussions. The College aims to encourage openness and will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 2) Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Head of Department or HR Manager immediately. If the matter is not remedied you should raise it formally using the Grievance Procedure.
- 3) You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.
- 4) Nothing in the policy limits an individual's statutory rights to make a protected disclosure to a prescribed person under the Public Interest Disclosure Act 1998 (as incorporated into the Employment Rights Act 1996).

Protect	Helpline: 020 3117 2520
(Independent whistleblowing charity)	Website: https://protect-advice.org.uk

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