

WHISTLEBLOWING POLICY

1. Introduction

The Public Interest Disclosures Act 1998 (the 'Act') came into force on 2 July 1999. Broadly, its objective is to provide protection from dismissal and other specified detriment to workers who, in good faith, "blow the whistle" on certain specified activities within their organisation subject to the conditions set out in the Act.

2. Scope

This Policy applies to all employees (both current and former) of Newbattle Abbey College ('the College') as well as to agency staff where the College exercises control over their work (together referred to as 'Staff', and references to 'you' mean any member of Staff to whom this Policy applies).

3. Responsibilities

- The Board of Directors is responsible for approving this Policy and for overseeing compliance with its principles.
- The Director of Operations is responsible for the implementation of this Policy.
- All Staff are responsible for ensuring compliance with this Policy.
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4. Key Principles

4.1 Policy

The College encourages a free and open culture in dealings with all Staff. In particular, the College regards it not only right but the duty of individual members of Staff to raise any matters of concern which they might have about perceived wrongdoing.

The College has put this Policy in place to provide guidance to Staff who may find themselves in this position and to clarify that no whistleblower will suffer detriment for raising a concern in accordance with this Policy, including protection from dismissal, demotion, harassment, or any other form of retaliation.

This Policy also includes provision against misuse, to safeguard the College's reputation and legal standing.

4.2 Procedure

Subject matters of protected disclosures:

1. This Policy will apply to the disclosure of cases where you genuinely and in good faith believe that one or more of the following sets of circumstances applies within the College and disclosure of the same is in the public interest ('protected disclosures'):

- a criminal offence has been committed, is being committed or is likely to be committed
- a person 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
- a misuse of public funds has occurred, is occurring or is likely to occur
- the health and 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 matter falling within one of sets of circumstances in the preceding paragraphs has been, is being or is likely to be deliberately concealed.

You will not be protected from consequences of making a disclosure unless the criteria for protected disclosures set out above are met or if, by doing so, you commit a criminal offence.

Personal grievances should be raised in accordance with the College's separate grievance policy and procedures.

Making a protected disclosure:

2. The College encourages concerns to be raised internally before approaching external bodies, unless there is a compelling reason not to. If you wish to raise or discuss any issues which fall into one or more of the above categories you should contact the Director of Operations, who will treat the matter in confidence. In such cases, it is likely that further investigation will be necessary. The process of investigation will differ depending on the nature of the issue, but the process will be explained to you and your identity will be kept confidential unless you are required to attend a disciplinary or investigative hearing as a witness. Confidentiality will also be maintained regarding sensitive College information.

3. Appropriate steps will be taken to ensure that your working environment and/or working relationships are not prejudiced by the fact of any protected disclosure you make. Victimisation of Staff who raise protected disclosures in accordance with this Policy will not be tolerated.

4. The outcome of the investigation will be notified to you although some information such as the outcome of any resulting disciplinary procedure will remain confidential. Under normal circumstances this will be done within 10

working days. If, however, the investigation is likely to be a prolonged one, you will be kept informed in writing as to the progress of the investigation and when it is likely to be concluded.

5. If the allegation is serious or from or through another agency, then the Chair of the Board will be informed. If the allegation has been made public by the originator, both the Chair of the Board and the Chief Executive of the Scottish Funding Council will be informed. They will also be informed of the outcome of the investigation.

6. In the case of a serious anonymous allegation, the Chair of the Board and the Principal will handle it in confidence, only informing other members of the Board and external agencies as appropriate.

7. In the event of the disclosure being about the Vice Principal or the Director of Operations then the disclosure should be made to the Principal. If the disclosure is about the Principal then it should be made directly to the Chair of the Board by contacting the Board Secretary (Board@nac.ac.uk).

8. If you reasonably believe that the relevant failure (i.e. one or more of the sets of circumstances listed above) relates wholly or mainly to the conduct of a person other than your employer or any other matter for which an organisation other than the College has legal responsibility, then you should make that disclosure to that other organisation. You may make such a disclosure in the course of obtaining legal advice to your legal advisor.

9. Former employees who raise concerns about events during their employment will be treated with the same respect and protection as current employees in terms of this Policy.

10. As noted above, this Policy will apply where a disclosure is made in good faith and where you reasonably believe that the information disclosed, and any allegation contained in it are substantially true and in the public interest. If any disclosure is made maliciously or in bad faith (for instance, in order to cause disruption within the College), or concerns information which you do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the College's disciplinary procedure and may constitute gross misconduct for which dismissal could be the sanction.

11. In the event of your being dissatisfied with the outcome of the investigation, you can appeal by contacting, in the first instance, the College's internal auditors, who are independent from the College Management team. Further action, if necessary, can be made through the College's external auditors, or the Scottish Funding Council, whichever is thought appropriate in the

circumstances. Contact details for the auditors are available from the Director of Operations.

5. Related Documents

This Policy is subject to and should be read in conjunction with all other College policies and procedures.

6. Review

This Policy will be reviewed every 3 years or more frequently as the College's governance team consider necessary to ensure it remains compliant with legislation and reflects best practice.

This Policy should be read in conjunction with other relevant College policies, procedures and guidance documents, whether specifically listed above or subsequently published or amended.

The College reserves the right to update, introduce, or revise policies and procedures from time to time.

Compliance with the most current versions of applicable policies and procedures, as published, is expected.

Title:	Whistleblowing Policy
Lead Officer:	Director of Operations
Date last reviewed	March 2026
Next Review date:	March 2029
Approved By:	Board
Date first approved:	March 2026