

Public Interest Disclosure Policy & Procedure (Whistleblowing)

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1. Scope and Purpose

1.1 Aim of the Policy

The aim of this policy is to provide individuals with a means for raising genuine concerns of suspected malpractice within the College confidentially inside and, if necessary, outside the organisation, and to provide those individuals with protection from detriment and unfair dismissal. To qualify as a disclosure it must be the disclosure of any information that, in the reasonable belief of the discloser, is made in the public interest. Examples of malpractice are (but not limited to):

- actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong, eg, falsification of student grades or actions which call into question the integrity of educational standards
- failure to comply with a statutory obligation, eg, Safeguarding
- gaining, or seeking to gain, a pecuniary advantage from an association or relationship with, or membership of, an organisation, company or other body which ought properly to have been disclosed to the College
- fraud or financial irregularities (including improper or unauthorised use of public funds)
- bribery, corruption (including abuse of authority) or other forms of dishonesty, eg, showing undue favour over a contractual matter or to a job applicant
- a criminal offence has been committed, is being committed or is likely to be committed
- 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
- a breach of a code of conduct
- information on any of the above has been, is being, or is likely to be concealed.

1.2 Who is protected?

- All employees
- Contractors working for the College, eg, agency staff, builders and consultants
- All students.

1.3 Policy Principles

- 1.3.1 This document is intended to encourage and enable individuals to raise serious concerns within the College rather than overlooking a problem or 'blowing the whistle' outside the organisation.
- 1.3.2 Individuals can make a disclosure without fear of victimisation, subsequent discrimination or disadvantage. Anyone who raises a genuine concern will have significant legal protection under the Employment Rights Act 1996 – Part IVA, Part V and Part X and the Public Interest Disclosure Act 1998.
- 1.3.3 The College will maintain a disclosure in line with best practice and current legislation and will not tolerate harassment or victimisation (including informal pressures) of anyone raising a concern under this procedure, whether or not it proves well founded and will take disciplinary action against any such behaviour.
- 1.3.4 If the discloser is already the subject of disciplinary or other procedures relating to their employment, those procedures will not be halted as a result of their disclosure.
- 1.3.5 The College has a range of policies and procedures which deal with standards of behaviour at work, covering Discipline, Grievance, Bullying and Harassment, Health and Safety, Recruitment and Selection and Safeguarding. Employees are encouraged to use the provisions of these procedures when appropriate.
- 1.3.6 In addition to the College's Financial Regulations, the Whistleblowing Policy and Procedure is complementary to the College's procedure for dealing with Fraud and Irregularity and Guidelines for Gifts, Hospitality and Travel Claims. This policy also fulfils the College's obligations under the Bribery Act 2010.
- 1.3.8 It may be appropriate that disclosures made by staff under the Whistleblowing Policy will be dealt with under the Fraud and Irregularity Policy. Equally suspicions of Fraud or Irregularity reported under the Fraud and Irregularity policy could be dealt with under the Whistleblowing Policy. It will be one or other of the policies and not both.

A decision on the appropriate policy, in any such instance, will be made by the Whistleblowing Officer, the Vice Principal Corporate Resources or the Principal.

2. Accountability

- 2.1 The Director of Student Services and Marketing
- is responsible for ensuring the policy is implemented, regularly reviewed and updated

- is the first point of contact for managers in the College to seek advice about the policy
 - is to be collectively referred to in this document as the 'Whistleblowing Officer'
 - is responsible for the maintenance and operation of this policy and procedure and will report all concerns reported under this procedure
 - to keep a record of all concerns raised and the outcomes and will report to the Board of Governors and the Corporation's Audit Committee on an annual basis or more often, as appropriate.
- 2.2 All employees
- are responsible for adhering to the requirements set out in this document
 - have a legal and moral responsibility to report improper acts and omissions as outlined in the procedure. In some circumstances, failure to raise such concerns may amount to breach of contract or breaking the law.
- 2.3 All students
- are encouraged to exercise their discretion and professionalism if they witness malpractice and notify their tutor or placement officer immediately
 - raising a concern about a member of staff or other student will be dealt with, as appropriate, under the relevant student complaints procedure.

3 Process

- 3.1. Procedure for raising a concern
- 3.1.1 Initially, concerns should normally be raised with the Whistleblowing Officer. This may be done orally or in writing.
- 3.1.2 If the discloser feels they cannot go to the Whistleblowing Officer with their concern or they feel the outcome was unsatisfactory, they should express their concerns in writing to the Clerk to the Board of Governors.
- 3.1.3 In the event of the concern being against the Clerk, the discloser should express their concern in writing to the Chair of the Board of Governors.
- 3.1.4 In the event of the concern being against the Principal and Chief Executive, the discloser should express their concern in writing to the Clerk to the Board of Governors who will act in conjunction with the Chair of the Audit Committee.
- 3.1.5 Although disclosers are not expected to prove beyond doubt the truth of an allegation, it is required they demonstrate reasonable grounds for concern.
- 3.1.6 The role of the Whistleblowing Officer is to:
- a) assess whether the complaint falls within the scope of the College's disclosure procedure;

- b) if, on preliminary examination, the concern is judged to be wholly without substance or merit, advise the discloser that the concern will be dismissed and they will be advised of the reasons for it;
- c) advise the discloser of the appropriate route to lodge the complaint if it does not fall under the procedure. This could be through the Grievance policy if the issue relates to the discloser's own Contract of Employment.

3.2 How the organisation will respond

- 3.2.1 If the concern does fall within the scope of the procedure, the action taken will depend on the nature of the concern, which may include:
- internal investigation
 - referral to the Police
 - referral to the College's internal auditors
 - independent inquiry.
- 3.2.2 In order to protect individuals and those accused of misdeeds or possible malpractice, the Whistleblowing Officer will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the College will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, safeguarding or discrimination issues) will normally be referred to the appropriate manager for consideration under those procedures.
- 3.2.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 3.2.4 The investigation may need to be carried out under the terms of strict confidentiality, ie, by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, suspension from work may have to be considered immediately.
- 3.2.5 Should an investigation be necessary, an Investigating Officer will be appointed by the Whistleblowing Officer, who will usually be of a management level and will have had no direct association with the individual(s) with whom the concern is being raised about.
- 3.2.6 A letter will be sent to the discloser's home address rather than through the internal mail. These details should be obtained from the individual to ensure the address tallies with College records and should be sent within 10 working days (wherever reasonably possible) of the concern being raised confirming:
- that the concern has been received
 - indicating how the College proposes to deal with the matter

- offer to hold an initial exploratory meeting (to be held within 10 days of receipt of letter)
- where applicable, giving an estimate of how long it will take to provide a final response
- confirming whether initial enquiries have been made
- supplying information on staff support mechanisms and confirming mutual expectations surrounding confidentiality.

3.2.7 The Investigating Officer will proceed to investigate the concern by taking the following steps:

Step 1: Any meetings can be held off-site at a mutually convenient location and time. This meeting should be arranged to take place within a reasonable period of time in order to find out more by considering any relevant documentation or supporting evidence in order to decide on the next steps and should offer the entitlement for the discloser to be accompanied by a trade union representative or work colleague. The Investigating Officer should also be accompanied by a note-taker at this meeting.

The Investigating Officer should prepare for the meeting in advance and, in consideration of any relevant documentation received, should explore the need of any clarification of the disclosure, request any additional supporting evidence and identify other potential witnesses.

Step 2: After the meeting, the Investigating Officer will review the notes taken from the meeting together with any other documentation or correspondence relating to the investigation in order to establish whether or not the claim is supported. Further meetings should be arranged if necessary.

Step 3: The Investigating Officer will report back to the Whistleblowing Officer with the findings without any unnecessary delay. If the claim is supported, the Whistleblowing Officer will either sanction action externally, eg:

- report to the police
- HEFCE / The Skills Funding Agency etc
- OFSTED
- National Audit Office
- External Audit organisations
- Health and Safety Executive
- Environmental Agency
- Serious Fraud Office
- Inland Revenue
- Local Authority
- Information Commissioner's office

or:

- Take action internally, eg (disciplinary proceedings, internal audit, review of internal policies and procedures).

3.2.8 In order to assure the discloser that the concern has been properly addressed, then - subject to legal constraints and following the investigation

- the Whistleblowing Officer will write to confirm the outcome, again to the discloser's home address.

- 3.2.9 This confirmation will not include details of any disciplinary action, which will remain confidential to the individual(s) concerned.
- 3.2.10 In all instances in which a concern leads to formal disciplinary proceedings, there shall be full disclosure of the name of the discloser, the nature of the allegation and the available evidence to the person against whom the concern has been raised to enable him or her to have the opportunity to respond.
- 3.2.11 A discloser who has not had a response within the time limits stated above or otherwise feels that the complaint is not being dealt with appropriately has the right to appeal to the Principal and Chief Executive. The Principal and Chief Executive will make a final decision on action to be taken and will notify the discloser of the outcome.
- 3.2.12 Where there is no case to answer, but the discloser held a genuine concern, which was a reasonably held belief to have been made in the public interest and was not acting maliciously, the Whistleblowing Officer should ensure that the discloser suffers no reprisals.

3.3 Concluding the process

- 3.3.1 The Whistleblowing Officer will confirm, in writing, the conclusion of the investigation to the person or persons against whom the concern is made to a confirmed home address.
- 3.3.2 The Whistleblowing Officer will compile quarterly reports detailing all substantiated disclosures and any subsequent actions taken to the Audit Committee via the Vice Principal Corporate Resources.
- 3.3.3 Any unsubstantiated disclosures will be reported annually to the Audit Committee in the same way.

4 Support for disclosers

- 4.1 The College recognises that raising a disclosure can be a stressful experience and seeks to be supportive and remove the fear from the process.
- 4.2 The College also recognises employees may wish to seek advice and be represented by their trade union officers when using the provisions of this policy, and acknowledges and endorses the role trade union officers play in this area.
- 4.3 If, at any stage, the discloser is concerned about what progress is being made, requires support or reassurance, or feels they may be being victimised or harassed as a result of making the disclosure, they should contact the Whistleblowing Officer.
- 4.4 Disclosers who raise concerns or who are the subject of an investigation may be able to access confidential counselling through the Occupational Health

department. This request can be made by contacting the Human Resources department who will deal with the request confidentially.

5 Confidentiality

- 5.1 The College will treat all such disclosures as confidential and sensitive. The College will exercise particular care to keep confidential the identity of any such person raising a concern under this procedure until it is decided it may be necessary to launch a more formal investigation. Thereafter, the identity of the discloser may be kept confidential, if requested, unless this is incompatible with a fair investigation or unless there is an overriding reason for disclosure. In any such instance, the discloser will be consulted before any action is taken.
- 5.2 If there is an unauthorised disclosure of identity, disciplinary action may be taken against that individual.

6 Anonymous Allegations

- 6.1 This procedure encourages disclosers to put their name to an allegation whenever possible. Concerns expressed anonymously are much harder to investigate and difficult to resolve.
- 6.2 In responding to an anonymous disclosure, the Whistleblowing Officer will pay due regard to fairness to any individual named, the seriousness of the concern raised, the credibility of the complaint and the prospects of an effective investigation and discovery of evidence.

7 Disclosure to external bodies

This procedure is intended to provide the discloser with an avenue to raise concerns within the College. However, the discloser has the right to take the matter outside the College if they feel the concern has not been dealt with satisfactorily. If this is the case, the discloser should initially raise their concern with the Clerk to the Board of Governors.

8 Implementation

To be disseminated through College communication structure. Students to be made aware through induction.

9 Associated Documents

- Safeguarding Policy
- Complaints Procedure
- Data Protection Policy
- Equality and Diversity Policy
- Health and Safety Policy
- Staff Code of Conduct

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2	2013	Updated
3	2014	Further updated by new Director HR to reflect legislation