



Whistle Blowing Policy

January 2015

"WHISTLE BLOWING" POLICY

Introduction

The College is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the College to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The College has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the College nor should it be used to reconsider any matters which have already been addressed under harassment, disciplinary or other procedures. Once the "whistle blowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the College.

Equal Opportunities

The college is committed to promoting equalities in all areas of employment and to challenging discrimination and stereotyping.

The college seeks to ensure that no staff are discriminated against or victimised for any reason.

The college will make every effort to address the needs of those with any disability and will make any reasonable adjustments necessary in order to overcome any barriers to access.

Who this Policy is for

- Employees on permanent or fixed term contracts
- On secondment to the college
- On a temporary contract or employed through an agency to work for the college
- An independent consultant for the college
- Contractors or suppliers of services to the college

Scope of Policy

This policy is designed to enable concerns to be raised internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the Environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

Procedures for making and investigating a Disclosure

Any individual who has reasonable suspicions of malpractice should initially take their concerns to their Senior Manager (in the case of employees) within the Senior Management Team. If they do not feel that this is the appropriate person, they should approach another Senior Manager or go direct to the Principal.

It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by their professional organisation at any stage of this procedure.

All reported incidents will be investigated.

All reports will be dealt with in confidence, with only staff that need to know, being informed.

When investigating a concern the Senior Manager should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The Senior Manager should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The Senior Manager should consider the involvement of the College auditors and the Police at this stage and should consult with the Principal
- The allegations should be fully investigated by the Senior Manager with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the Senior Manager. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Principal or Chairman of the Board of Governors as appropriate.
- The Principal / Chairman of the Board of Governors will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate College procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the College Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the Senior Manager, they have the right to raise it in confidence with the Principal / Chairman of the Board of Governors. The Principal/ Chairman will send a written response to the individual concerned.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the College recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

Safeguards

1. Protection

This policy is designed to offer protection to those employees of the College who disclose such concerns provided the disclosure is made:

- In good faith
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see above).

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

2. Confidentiality

The College will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the College.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

4. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The Senior Manager should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The Senior Manager, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the Senior Manager should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Post holder responsibility: Human Resources Manager

Review Date: July 2017