



Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Whistleblowing Procedure
Senior Manager Responsible:	Assistant Principal Corporate Services
SMT Approval:	05 May 2015
Governor Approval:	Audit Committee 08 June 2015
Joint Consultative Committee:	
Equality Impact Assessment:	
Review date:	March 2018

‘Whistle-blowing’ (Public Interests Disclosures) Procedure

Introduction

College staff are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation.

The College is committed to maintaining the highest standards of honesty and integrity. The purpose of this document is to encourage College staff to raise their concerns internally and to regulate the procedure by which they should do this. This code of practice is to encourage staff to raise concerns within the College rather than overlooking the problem or 'blowing the whistle' outside. If staff choose to voice their concerns in some other way then they will lose the legal protection this code of practice provides.

Scope

This code of practice aims to:

- Provide staff with avenues to raise concerns and receive feedback on any action taken
- Allow staff to take the matter further if they are dissatisfied with the College's response, and
- Reassure staff that they will be protected from reprisals or victimisation for ‘whistle-blowing’ in good faith.

Definition of ‘Whistle-blowing’

This procedure legally relates to public interest disclosure, however it is more commonly known as ‘whistle-blowing’ and for the purpose of the procedure this term will be used.

‘Whistle-blowing’ can be defined as raising a concern about wrongdoing or malpractice occurring in the College.

‘Whistle-blowing’ is not for use to raise grievances concerning personal employment circumstances or as appeals against decisions of management unless they involve fraud, corruption or malpractice. The College has a well-established procedure designed to resolve and redress grievances, (i.e. those relating to specific individual's employment) quickly and in a manner that is fair and professional (See Grievance Procedure).

Malpractice includes any kind of improper practice or conduct which falls short of what is reasonably expected whether it relates to an act or omission, and also includes any form of harassment.

The following non-exhaustive list gives examples of potential malpractice that could lead a member of staff to follow the ‘whistle-blowing’ procedure:

- That a criminal offence has been committed, is being committed, or is likely to be committed;
- That the accused has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- That 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;
- That discrimination has taken place in any internal procedure e.g. recruitment or disciplinary process.

The procedure can also be followed where the member of staff believes that information indicating that any matter falling within any one of the above has been is being or is likely to be deliberately concealed.

Safeguarding the 'whistle-blower'

Harassment or Victimisation

The College recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the possible malpractice. The College will not tolerate harassment or victimisation and will take action to protect any member of staff when they raise a concern in good faith.

Confidentiality

The College will do its best to protect the member of staff's identity when the concern is raised if they do not want their name to be disclosed. The investigation process may however reveal the source of the information and a statement by the member of staff may be required as part of the evidence. If it is possible to establish the truth about allegations from an independent source the College will seek to do this.

Anonymous Allegations

Staff are encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful and very difficult to investigate effectively, but they will be considered at the discretion of the College.

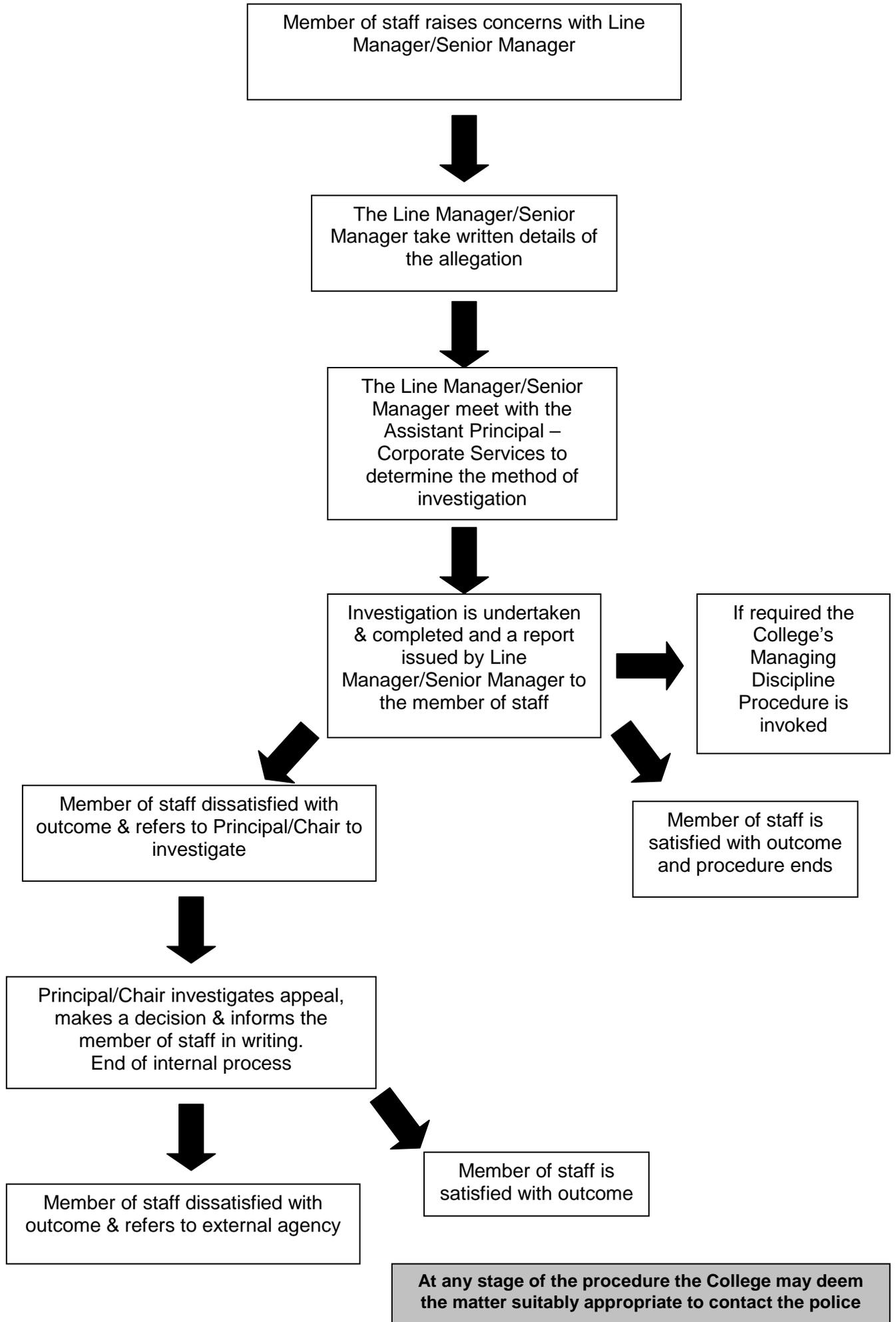
In exercising discretion, the factors to be taken into account would include:

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

Malicious or Vexatious Allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the member of staff raising the concern. If, however, a member of staff makes malicious or vexatious allegations, disciplinary action may be taken against them. Malicious or vexatious allegations include those, which are trivial and do not have any substance or are made persistently and annoyingly for the wrong reasons e.g. simply to make trouble, or purely out of self-interest or for personal gain.

'Whistle-blowing' Procedure



Procedure

Staff may raise concerns orally or in writing directly with the appropriate Line Manager/Senior Manager clearly stating that they wish the matter to be dealt with, confidentially, in line with the College's 'Whistle-blowing' procedure.

Complaints against the Principal or Clerk to the Corporation may be raised with the Chair or Vice Chair of the Corporation. These replace line manager/senior manager responsibilities in the process.

Complaints against individual Members of the Board may be raised with the Chair or Vice Chair of the Corporation. Complaints against the Board as a body should be raised with the Skills Funding Agency (SFA) or the Education Funding Agency (EFA).

The member of staff does not have to submit any complaint/allegation in writing at this stage, but the Line Manager/Senior Manager must make a written note of the discussions, being careful to protect confidentiality.

Normally the method of investigation would be determined by the Line Manager/Senior Manager, in conjunction with the Assistant Principal - Corporate Services.

It is appropriate for management to be given every chance to investigate and take appropriate action before an allegation is disclosed in the public domain.

On completion of the investigation, the Line Manager/Senior Manager will provide a written report of the findings of the investigation to the member of staff.

If the member of staff is not satisfied that their concern is being dealt with, or with the results of the investigation, they may after informing the Assistant Principal – Corporate Services, refer the matter for the Principal to investigate. In respect of any allegations concerning the Principal, they may, after informing the Clerk, refer the matter to the Chair of the Corporation.

At the end of this procedure, should the member of staff and the College still be unable to resolve the matter in a manner satisfactory to both parties, then they have the right of access to an appropriate external body.

At any point in the procedure, the College may report the matter to the police.

Should the member of staff raising the concern be following another College procedure e.g. Avoiding Redundancy or Managing Discipline this procedure will not halt the progress of the other procedure.

It should be noted that in cases of referral to third parties, a member of staff may be protected under the Public Interests Disclosure Act 1998. This would apply in circumstances where the College has authorised the disclosure, or in such extreme circumstances which are of such magnitude, where the member of staff has not initially raised the issue with the College, in the belief that evidence would be concealed or destroyed and there is no regulatory body to which the genuine concerns can be expressed.

There may be a requirement to invoke the College's Managing Discipline procedure at the end of the process.

Timescales

From first contact, a meeting with the Line Manager/Senior Manager/ Clerk is to be arranged within 10 working days.

A reply with the findings of the investigation will be provided within 10 working days of the initial contact with the Line Manager/Senior Manager/ Clerk

Any appeal against the findings of the investigation must be made to the Principal, (or, in cases involving the Principal, to the Chair of the Board of Corporation), within 10 working days of receipt of the reply.

The Principal (or Chair of the Board of Corporation) are to be allowed a further 10 working days from receipt of the appeal, to make enquiries, come to a decision and report those findings. Details of the decision and any action taken are to be communicated to the member of staff.

Should the member of staff not be satisfied with the decision or course of action, they may refer the matter to an appropriate external body (see below).

Outcomes of the Procedure

If the allegations are considered to be true the College will:

- provide the member of staff with the results of the investigation;
- lay charges against the accused by invoking the College's Managing Discipline procedure and if proven apply appropriate sanctions.
- inform the police of any criminal activity which has taken place

If the allegations are considered to be untrue the College will:

- provide the member of staff with the results of the investigation;
- invoke no action against the accused;
- take disciplinary action against the member of staff if the disclosure has been found to be malicious

External Agencies

Access to external agencies is available where internal procedures have been exhausted or if the College finds the allegation unsubstantiated. At this stage the member of staff has the right of access to one of the following external bodies:

- a legal adviser in the course of obtaining legal advice;
- the Skills Funding Agency;
- the education Funding Agency;
- the Minister for Education;
- a person prescribed by the Secretary of State;
- internal or external auditors.