

Policy: Whistleblowing Policy and Procedure

Policy Ref: AP/4HRD/SP113

Approved By: Corporation

Date: 28 September 2017

Signature:

1. Purpose

The purpose of this policy and procedure is to describe the principles which will be adopted when a member of staff (past or present) wishes to raise a legitimate concern and the process they should follow to express that concern in a professional manner without fear of victimisation or reprisal.

1.1 Coverage

Whistleblowing

Whistle-blowing, or public interest disclosure as it is more formally known, normally covers allegations of suspected fraud, corruption and malpractice, including financial irregularities, bribery, dishonesty, criminal activities, personal misconduct, failing to comply with a legal obligation, a miscarriage of justice, creating or ignoring serious risks to health and safety or the environment.

A valid disclosure is believed to be substantially true, is not made for personal gain and must be made in the reasonable belief that the disclosure is in the public interest. Any disclosure, which is not made in good faith, may reduce any compensation payable.

Grievances

Whistleblowing 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 system designed to resolve and redress employee grievances; i.e. relating to a specific individual's employment, quickly and in a manner which is fair and professional.

2. Scope

Under the Public Interest Disclosure Act, this procedure applies to all past or present staff.

Disclosures by external parties should be made under the Complaints' Procedure (and in the event of allegations of fraud, the Fraud Response Plan will be invoked).

3. Responsibility

Line managers are responsible for ensuring all staff within their teams are aware of this procedure.

The Clerk is responsible for ensuring that it is kept up-to-date and relevant.

The Corporation is responsible for approving the policy.

4. Policy

4.1 Where they have acted in good faith, and not for personal gain, employees past or present are encouraged by the Corporation to raise any concerns, which they believe are in the public interest, without fear of reprisal.

4.2 The extent to which the Whistle-blowing policy supports the control framework of the college is widely recognised and employees are encouraged to report any concerns internally in the first instance, confident that every effort will be made to resolve legitimate concerns quickly and efficiently.

4.3 Confidentiality will be respected as far as possible and every effort will be made to protect the identity of the person making the allegation, with the investigation being carried out discretely. The nature of the allegations and name(s) of those implicated will not be made public unless there are legal reasons for doing so, which will be discussed with the complainant. The complainant is also expected to respect confidentiality as far as possible under this policy.

It should be noted, however, that confidentiality cannot be guaranteed. For example, the complainant may be readily identified by the nature of the allegation or investigation, or may be required to give evidence to a disciplinary hearing.

However, employees are offered further protection against reprisal and recrimination by the Public Interest Disclosure Act, and under more recent legislation, an employer may be held liable for any detriment by a co-worker for making a protected disclosure.

4.4 Should investigation uncover any misuse of the policy, such as malicious intent or personal gain, the complainant may be subject to disciplinary proceedings.

4.5 Advice to employees on their next steps, should they remain unhappy with the outcome of an internal investigation, are provided for in this policy at 5.9. .

5. Procedure

First Stage

5.1 You should put any concerns that you have in writing, marking the correspondence ‘private and confidential’, to the Clerk to the Corporation, who will acknowledge receipt to your home address as soon as possible and at least within seven working days from receipt.

5.2 You will be kept informed of the progress of the initial investigation and the eventual outcome as far as possible.

5.3 The college will try to resolve the matter as quickly as possible.

5.4 At this stage of the procedure, the Clerk will:

- Clarify any details and establish if other internal procedures have been exhausted.
- Discuss and agree with the relevant senior postholder the way the investigation will be carried out and assist in carrying out the investigation.
- Obtain legal or other advice as necessary.
- Keep detailed and confidential records of the investigations carried out.

5.5 In cases involving the Clerk to the Corporation, concerns should be raised directly with the Principal. The following table shows responsibilities throughout the first stage of the process:

| Allegation against..... | Lead responsibility for Investigations |
|-------------------------|--|
| Employee | Clerk, in conjunction with either the Principal, or a Deputy Principal, and if appropriate an independent 3 rd party and the HR Manager |
| The Clerk | The Principal, in conjunction with the Chair of Audit Committee, and if appropriate an independent 3 rd party and the HR Manager. |
| Deputy Principal | Clerk, in conjunction with the Principal, and if appropriate an independent 3 rd party and/or an HR Consultant. |

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| The Principal | The Clerk in conjunction with the Chair of Audit Committee, and if appropriate an independent 3 rd party and/or an HR Consultant. |
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Appeals' Procedure

5.6 If the employee is unhappy with the outcome of the first stage of the investigation, they should inform the Clerk to Governors in writing, in response to the written outcome of the first stage, of the reasons why they wish the matter to be pursued.

5.7 At this stage in the investigations, the Clerk will ask the Chair of the Corporation and the Chair of the Audit Committee to consider both the investigation to date and the further representations made, and to determine what further investigations, evidence or legal advice they might require and to support and assist them in further investigations.

5.8 Where the Chair of Audit has already been involved in the first stage of the investigation, the Vice Chair of the Corporation will deputise during the Appeals' stage.

Final Stage

5.9 If the employee remains unhappy, then they can raise the concerns with the appropriate regulatory body (Education and Skills Funding Agency in the first instance), or may wish to consult the registered charity 'Public Concern at Work'.

6. General Considerations

If at any stage in the investigation criminal activity is uncovered, this may necessitate the involvement of the police.