

# Procedures Manual

**06.06.23**

## **POLICY FOR DISCLOSURE OF MATTERS OF PUBLIC INTEREST (WHISTLE BLOWING)**

### **PURPOSE**

To provide a framework in which staff can raise issues of concern relating to probity and malpractice.

### **SCOPE**

All staff.

### **RESPONSIBILITY**

Chief People Officer

### **Policy for Disclosure of Matters of Public Interest**

As a publicly funded institution, the College seeks to operate to the highest standards of probity and honesty in all of its activities. It is committed to encouraging a climate of openness in which employees will feel able to raise issues of concern without fear. This policy provides the framework within which such issues will be handled.

The intention is that the policy will:

- provide a means for individuals to raise genuine and legitimate concerns
- serve as a deterrent to serious malpractice in the College
- help to avoid public criticism or crisis management
- promote accountability throughout the College

The policy applies to all employees of the College, and to those engaged through an agency or who provide their services on a freelance basis

This procedure supplements the existing procedures within normal line management and enables staff to raise issues or concerns outside their line management and in confidence, particularly over issues of wrongdoing within the College. It is expected that this procedure will only be used after less formal routes have been followed, for example, discussions with line managers, union representatives, staff governor etc.

Staff are protected by the Public Interest Disclosure Act

The issues or concerns may include, but are not limited to:

- fraud
- corruption
- bribery
- financial malpractice
- embezzlement
- serious maladministration arising from a deliberate commission of improper conduct

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- unethical practices, not necessarily of a criminal nature
- malpractice or misadministration of awarding body standards
- dangerous acts or omissions which create a hazard to health, safety or the environment

The concern may relate to the conduct of the College as an employer, or to individual employees, and is likely to involve acts of malpractice; or conduct which is likely to bring the College into disrepute.

This procedure is separate from the [Grievance Procedure \(07.04.02\)](#), and may not be used as an alternative mechanism for employees to raise personal grievances.

### Definition of Disclosure

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. In this guidance, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

### Procedure

The College’s internal procedures will normally be adequate to deal with allegations of malpractice. To ensure that there are no individuals against whom allegations cannot be made, a number of people are specified as investigating officers to whom disclosures should be directed.

#### ***Allegation Against***

#### ***Disclosure to***

The Corporation

Clerk and Governance  
Professional/Chief People Officer

The Chair of Governors

Clerk and Governance Professional/  
Chief People Officer

An individual member of the  
Corporation

The Chair of Governors/ Clerk and  
Governance Professional/ Chief  
People Officer

The CEO

The Chair of Governors/ Clerk and  
Governance Professional/ Chief  
People Officer

The Vice Principal

The Principal or Governor Lead -  
Whistleblowing

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The Clerk to the Corporation or  
Chief People Officer

Governor Lead - Whistleblowing

Any other member of staff

Clerk and Governance Professional/  
Chief People Officer

## Making an Allegation

An allegation may be made in writing or orally to the appropriate person as above, once the informal route has been followed. If making an allegation by email it is recommended to use a private account rather than use a College account to safeguard the confidentiality of the complainant. The person making the allegation should make it clear that they wish the matter to be dealt with under the Disclosure of Public Interest policy (whistleblowing). If the allegation is made orally, the investigating officer should make a full record of the complaint, and obtain written confirmation from the complainant that the record is accurate.

The person who has received the disclosure will acknowledge the complaint in writing immediately. Correspondence with the complainant will be directed to the home address or private email account and not by internal College mail or email account.

Any issues raised under these procedures will be taken seriously and will be fully investigated. Confidentiality of complainants will be respected until the formal investigation is undertaken. The identity of the complainant will then only be divulged if necessary to allow a fair and thorough investigation to be completed, and only with the prior written consent of the complainant.

Disclosures to agencies outside the College should only be made when internal procedures have been exhausted. Provided that the procedures have been followed, staff making allegations should feel able to do so without fear of disciplinary or other action against them.

Any malpractice or maladministration suspected after student registrations will be reported to the relevant awarding body by the appropriate college representative.

## Investigating an Allegation

The person who has received the disclosure will appoint an investigating officer who is responsible for investigating the complaint. The nature of the investigation will vary according to the nature of the complaint. It may be undertaken personally by the investigating officer, or be referred to another employee with the appropriate professional or technical qualifications, or be referred to an external body such as the Education and Skills Funding Agency or the College Internal Auditors.

The investigating officer may inform the police if there are grounds for suspecting criminal activity.

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The investigating officer will act in a timely manner but if the investigation is protracted, the complainant will be kept informed of progress, and will be informed of the likely timescale for conclusion.

Once the investigation is completed, the complainant must be informed of the outcome, and the nature of any action to be taken by the College to deal with the concern.

At this stage, if the complainant is unhappy with the response s/he shall have the right to raise the matter directly and in confidence with the Chair of the Audit and Risk Management Committee. The complainant shall also have the right to ask the Chair of the Audit and Risk Management Committee to refer the matter to the College Internal Auditors who shall investigate the matter within a reasonable time period, and normally within 15 working days of receiving the disclosure. In such circumstances the Chair of the Audit and Risk Management Committee shall have the power to incur such reasonable expenses as are necessary to gain legal or professional advice.

If the complainant is not happy with the findings of the Internal Auditors s/he may raise the matter in confidence directly with the person or regulatory body prescribed by the Secretary of State for these purposes provided that s/he can show that s/he :

- a) reasonably believes that the alleged malpractice falls within the remit of that person or body;
- b) reasonably believes that the disclosure is substantially true;
- c) did not make the disclosure for personal gain.
- d) If the complainant wishes to make a disclosure to any non-prescribed body outside of the College, that is also not a Regulating Body (e.g., the Health & Safety Executive, the National Audit Office, an appropriate Examining Body, the Police, Local Councillor or MP, or other appropriate public authority etc.), they must also show that.
  - a) at the time of disclosure, s/he reasonably believes that s/he will be subjected to a detriment, whether it be detrimental treatment short of dismissal, termination of the contract or victimisation, if s/he raises the matter internally or externally with a prescribed regulator;
  - b) where there is no appropriate prescribed regulator, and s/he reasonably believes that relevant evidence will be concealed or destroyed if the matter is raised with the employer; or
  - c) that s/he has previously made a disclosure of substantially the same information to her/his employer or a prescribed regulator and in all the circumstances it is reasonable for her/him to make the disclosure.

The requirements for disclosure as set out above will not apply provided the complainant can show all of the following:

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- a) that s/he reasonably believes the disclosure is substantially true; and
- b) that s/he has not made the disclosure for personal gain; and
- c) that the alleged failure is of an exceptionally serious nature.

## General Principles

### *For the College*

The College affirms the right of staff to raise issues and will take all reasonable steps to protect complainants from reprisal or the fear of reprisal, whether or not the complaint proves to be well founded.

### *For the Complainant*

Complaints should not be raised outside the College other than through these procedures.

When raising a concern, any personal interest in the matter should be disclosed.

Disclosures made outside of these arrangements, and any allegations raised maliciously, may be treated as gross misconduct, and will be dealt with under the [Disciplinary Procedure \(07.04.01\)](#).

For Further Advice:

[Protect - Speak up stop harm \(protect-advice.org.uk\)](http://protect-advice.org.uk)

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