

Whistleblowing Policy

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Whistleblowing Policy and Procedure

The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regularity Reform Act 2013, protects a member of staff against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

1. Introduction

- 1.1 The College is committed to operating in accordance with its values. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage staff members to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows staff members to raise such concerns externally and this policy informs staff members how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure also seeks to balance the need to allow a culture of openness with the need to protect other staff members against vexatious allegations or allegations which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 College students are also encouraged to raise genuine concerns about suspected wrongdoing using the College's complaints procedure. This policy and procedure is designed for the use of staff members of the College.

2. What is Whistleblowing?

- 2.1 Whistleblowing is when a report is made about a suspected wrongdoing which is in the public interest. This is referred to as making a disclosure in the public interest. A whistleblower is someone who raises serious concern about wrongdoing or malpractice so that problems can be identified and resolved quickly.
- 2.2 Staff members are encouraged to report malpractice (whether by other employees, contractors or Members of the Council). The person making the disclosure must have a reasonable belief that it is in the "public interest" for protection to apply.

3. Applicability of this Policy and Procedure

- 3.1 This policy applies to all employees of the College, including apprentices and any casual workers; home-based casual workers; and employees of subcontractors and

agency workers engaged by the College.

- 3.2 Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any staff member in this situation is encouraged to contact a member of the Human Resources team in confidence for advice

4. Protected Disclosures

- 4.1 Under the Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013 the disclosure of confidential information in the public interest is a lawful act and a member of staff cannot be dismissed, disciplined or unfavourably treated provided:

- the procedure has been followed;
- the employee has acted in the public interest and not for personal gain or out of personal motives;

Under no circumstances should staff members or members of the College talk to the media or to any other person or body without first exhausting the proper procedure.

5. Specific Subject Matter

- 5.1 If, in the course of employment, a staff member becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That 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.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

- 5.2 Complaints about disputes/dissatisfaction in employment should be dealt with under the College Grievance procedure. For instance complaints about breaches of employee's own contract of employment should be raised as a grievance.

6. Procedure for Making a Disclosure

- 6.1 Information which a staff member reasonably believes to show one or more of the situations given in Section 5 should be disclosed promptly to their line manager so that any appropriate action can be taken.
- 6.2 If it is inappropriate to make such a disclosure to their line manager, a staff member

can raise the issue with their Head of Department/Section.

- 6.3 If the disclosure relates to the Principal and Chief Executive, a staff member can raise the issue with the Clerk to the Board of Governors. In the event that the disclosure relates to the Clerk to the Board of Governors, a staff member can raise the issue with the Chair of Governing Body.
- 6.4 Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in undertaking an investigation. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
- The seriousness of the issues raised in the disclosure;
 - The credibility of the concern; and
 - How likely it is that the concern can be confirmed from attributable sources.
- 6.5 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to a Senior HR Business Partner

7. Procedure for Investigation of a Disclosure

- 7.1 When a staff member makes a disclosure, the recipient will acknowledge its receipt, in writing, normally within 5 working days.
- 7.2 The recipient will then determine whether or not they believe that the disclosure is wholly without substance or merit. If the recipient considers that the disclosure does not have sufficient merit to warrant further action, the staff member will be notified in writing of the reasons for that decision and advised that no further action will be taken by the College under this policy and procedure. Considerations to be taken into account when making this determination may include (but is not limited to) the following:
- If the recipient is satisfied that a staff member does not have a reasonable belief that suspected malpractice is occurring; or
 - If the matter is already the subject of legal proceedings or appropriate action by an external body; or
 - If the matter is already subject to another, appropriate College procedure.
- 7.3 When a staff member makes a disclosure which has sufficient substance or merit warranting further action, the recipient will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
- 7.4 If appropriate, any internal investigation would be conducted by a College manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.

[Guidance note: Depending on the seriousness of the concern raised and the

seniority of the staff member making the disclosure, it would be appropriate for a senior manager or a designated officer, such as the Clerk of the Corporation, to investigate the concern].

- 7.5 Any recommendations for further action made as a result of the investigation will be addressed to the Chief Executive / Principal as appropriate in the circumstances. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 7.6 The staff member making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chair of Governing Body within 10 working days. The Chair of Governing Body (or person nominated by them ie Chair of Audit & Risk Assurance Committee) will make a final decision on action to be taken and notify the staff member making the disclosure.

[Guidance note: The procedure should encourage the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation

All communications with the staff member making the disclosure should be in writing and sent to the staff members home address rather than through the College's internal mail. If investigations into the concern are prolonged, the College should keep the staff member concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion]

8. Safeguards for Employees Making a Disclosure

- 8.1 A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by the College and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- [Guidance note: For confidentiality purposes, if the staff member requests to raise their concern verbally, it would be appropriate for the College to allow the staff member to do so.]*
- 8.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the staff member making the disclosure without their written consent, or unless the College is legally obliged to do so, or for the purposes of seeking legal advice.
- 8.3 No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against a staff member where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 8.4 A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

9. Disclosure to External Bodies

- 9.1 This policy and procedure has been implemented to allow staff members to raise disclosures internally within the College. A staff member has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.
- 9.2 Staff members may make a disclosure to an appropriate external body prescribed by the law. This list of „prescribed“ organisations and bodies can be found in information on [the GOV.UK website](#).
- 9.3 Staff members can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 9.4 If a staff member seeks advice outside of the College, they must be careful not to breach any confidentiality obligations or damage the College’s reputation in so doing.

10. Accountability

- 10.1 The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the Governing Body as and when appropriate.

11. Further Assistance for Staff

- 11.1 The College will not tolerate any harassment or victimisation of staff members who make disclosures. If, at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to Executive Director of Human Resources and SRIS.
- 11.2 A staff member making a disclosure may want to confidentially request counselling or other support from the College. Any such request for counselling or support services should be sought from the Human Resources Department and will be dealt with confidentially.
- 11.3 Staff members can also contact the following:-

Public Concern at Work for confidential advice on whistleblowing issues.

Contact details are as follows:

3rd Floor, Bank Chambers
6 - 10 Borough High Street
London SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609

<http://www.pcaw.org.uk>

Skills Funding Agency
Area Relationships (Yorkshire & Humberside Region)
The Cube
123 Albion Street

Leeds
LS2 8ET

Education Funding Agency
2 St. Pauls Place
125 Norfolk Street
Sheffield
S1 2FJ

The College's Internal Auditors:
Grant Thornton
No 1 Whitehall
Riverside
Leeds
LS1 4BN

Health & Safety Executive
Edgar Allen House
241 Glossop Road
Sheffield
S10 2GW