

# WHISTLEBLOWING POLICY

FORMAL REVIEW CYCLE:	Annual		
LATEST FORMAL REVIEW (YEAR/MONTH):	2019- 07	NEXT FORMAL REVIEW DUE (YEAR/MONTH):	2020- 06
POLICY OWNER (JOB TITLE AND INITIALS):	Director of Governance (JMM)		
IMPACT ASSESSED BY:		IMPACT ASSESSMENT DATE:	

## APPROVAL:

SMT APPROVAL DATE:	n/a				
GOVERNOR APPROVAL REQUIRED:	Y	GOVERNOR APPROVAL DATE:	2019-07-11	COMMITTEE:	Audit Committee

## PUBLICATION:

WEBSITE Y/N	Y	STAFF INTRANET Y/N	Y	STUDENT VLE Y/N	N	OTHER:	
AREA/S OF STAFF INTRANET:	Human Resources; Governing Body						

## **Policy description:**

This procedure applies to all employees of the College.

The policy describes the process employees should follow if they have concerns about matters in the public interest. The policy ensures that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with these.

## **Links to other policies:**

- [Disciplinary Policy](#)
- [Staff Code of Conduct](#)
- [Capability Policy](#)
- [Bullying and Harassment Policy](#)
- [Anti -Fraud and Anti-Bribery Policy](#)
- [Financial Regulations](#)

## **1. Executive Summary**

The Whistleblowing policy provides employees and workers with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings other than a personal grievance without suffering any detriment. The procedures ensure that issues are dealt with promptly, fairly and consistently and in line with legal requirements.

## **2. Context**

The Public Interest Disclosure Act 1998 came into force on 1 January 1999. It provides employees with legal protection against dismissal or detriment 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.

Craven College is committed to ensuring that standards in College are high and that all statutory regulations and requirements are complied with. It will take seriously any concerns relating to malpractice within the College but in order for it to be a "qualifying disclosure" under the Act, the whistleblower should reasonably believe that there is

- A criminal offence which has been committed or is about to be committed
- A failure or likelihood of failure to comply with any legal obligation
- A miscarriage of justice has occurred, is occurring or is likely to occur
- A health and safety risk to an individual
- Damage to the environment has occurred or is likely to occur
- Concealment of the above has occurred or is likely to occur.

Examples of this include corruption, bribery, financial irregularities, criminal activities, abuse or fraud.

The law allows workers to raise what it defines as a "protected disclosure" and in order for a matter to be a protected disclosure it must be a qualifying disclosure, related to a specific subject matter (see list above). A protected disclosure must also be made in an appropriate way, as set out in the reporting process (section 3 below). In addition, a protected disclosure must, in the

worker's reasonable belief (on some substantiated basis), be made in the public interest and consist of information, not merely allegations of suspected malpractice.

Once a disclosure has been made to the Director of Governance it will be protected under the Act and this should be the first route for employees. No formal disciplinary action will be taken against a worker on the grounds of making a disclosure under this policy. If, however, without good reason, a member of staff discloses or publicises concerns in some other way, or abuses the process by maliciously raising unfounded allegations, they are at risk of serious disciplinary action.

It will be considered a serious disciplinary offence to:

- Deter anyone from using the whistleblowing procedure
- Victimise or bully anyone using the whistleblowing policy
- Maliciously raising false concerns
- Concealing or destroying information about wrongdoings.

Whistleblowing is not the same as making a complaint or raising a grievance where the individual is saying that they have personally been poorly treated. A whistleblower is usually not directly or personally affected by the concern and any concerns staff may have about their employment should be dealt with through the Grievance Procedures.

A worker will not suffer dismissal or any detrimental action or omission of any type by the College for making a disclosure in accordance with this policy and procedure.

If an individual is unclear whether to use this procedure, or if they want independent advice at any stage, they may contact an appropriate employee representative, the Citizen's Advice Bureau or Public Concern at Work ([helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)).

Where a staff member feels unable to raise a safeguarding issue with their employer or feel that their genuine concerns are not being addressed, other whistleblowing channels may be open to them: the NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### **3. Reporting process**

1. Any concerns about malpractice should be raised internally, verbally or in writing, with the Director of Governance. If the matter concerns the Director of Governance, it should be raised with the Principal.
2. It is the Director of Governance's responsibility, in conjunction with the Chair of the Audit Committee and the Principal (unless in cases involving the Principal when the Director of Governance would act in conjunction with the Chair of the Audit Committee or in cases involving the Director of Governance when the Principal would act in conjunction with the Chair of the Audit Committee) to determine the method of investigation.
3. Initial stages may involve interviewing the employee raising the concern, in confidence, to assess what further action should be taken. Normally, this will take place within 5 working days of the concern being raised. They will be entitled to be accompanied by a work colleague or trade union representative provided that the person is not involved in the area of work to which the concern relates. This person is for support only and will not be allowed to participate in proceedings. Interviews may also have to take place with individuals against whom the allegations are made.

4. All concerns will be looked into carefully and thoroughly. Every effort will be made to keep the employee's identity confidential, if they wish it to be the case. Where this may prove difficult, for example if they are asked to give evidence, then the options will be fully discussed first.

#### **4. Outcomes**

If the suspicions raised are not confirmed by an investigation, the matter will be closed. Staff will not be treated or regarded any differently for raising the concern and their confidentiality will continue to be protected.

A confidential record will be made of the nature and outcome of the concern. These records will normally be kept by the Director of Governance and reported to the Audit Committee annually.

Normally, the Director of Governance will try to let the employee who raised the concern know, in writing, the results of the investigations and about any action that is proposed. Correspondence will be addressed to their home address at all times. Where action is not taken, they will be given an explanation.

#### **5. Appeals**

If the employee disagrees with the decision he/she may, within two weeks of receiving that notification, request in writing, to the Director of Governance, a review by the Governing Board of the decision, stating the grounds for the appeal. If, having exhausted all internal procedures, the individual feels that they still want independent advice, they can contact Public Concern at Work ([helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)) or the Citizen's Advice Bureau for confidential advice.