

BHASVIC

WHISTLEBLOWING POLICY AND PROCEDURES

Last Updated: **DECEMBER 2019**

Review Date: **DECEMBER 2022**



WHISTLEBLOWING POLICY

1. Policy Statement

- 1.1. The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the College's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.2. This policy makes it clear that staff can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the College rather than overlooking a problem or 'blowing the whistle' outside the College.

2. Scope of the Policy

- 2.1. The policy applies to all employees and those contractors working for the College on College premises, for example, agency staff or builders. It also covers suppliers and those providing services under a contract with the College in their own premises.

3. Aims of the Policy

- 3.1. This policy aims to:
 - encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for staff to raise those concerns and receive feedback on any action taken
 - ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
 - reassure staff that they will be protected from reprisal or victimisation if they have a reasonable belief that they have made any disclosure in good faith
- 3.2. There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that may fall outside the scope of other procedures. Such concerns include:
 - conduct which is an offence or a breach of law
 - disclosures relating to miscarriages of justice
 - health and safety risks, including risks to the public as well as other employees
 - damage to the environment
 - the unauthorised use of College funds
 - possible fraud and corruption
 - abuse of students, authority or role, or
 - other unethical conduct
- 3.3. Thus, any serious concerns that staff have about any aspect of service provision or the conduct of employees of the College or Corporation members or others acting on behalf of the College, can be reported under this policy. This may be about something that:
 - makes the member of staff feel uncomfortable in terms of known standards, their experience or the standards they believe the College subscribes to; or
 - is against the College's Instrument and Articles of Government or policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.

4. Safeguards

4.1. Harassment or Victimisation

- 4.1.1. The College is committed to good practice and high standards and wants to be supportive of employees
- 4.1.2. The College recognises that the decision to report a concern can be a difficult one to make. If what a member of staff is saying is said in good faith, they should have nothing to fear because they will be doing their duty to their employer and to the College as a whole.
- 4.1.3. The College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern in good faith.
- 4.1.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect the member of staff raising the concern.

4.2. Confidentiality

- 4.2.1. All concerns will be treated in confidence and every effort will be made not to reveal the identity of the member of staff raising the concern if they so wish. At the appropriate time, however, the member of staff may need to come forward as a witness.

4.3. Anonymous Allegations

- 4.3.1. This policy encourages staff to put their name to their allegation whenever possible.
- 4.3.2. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.
- 4.3.3. In exercising this 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.

4.4. Untrue Allegations

- 4.4.1. If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the member of staff. If, however, a member of staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against the member of staff making the allegation.

5. Monitoring and review of policy and procedures

- 5.1. The policy and procedures will be reviewed every three years to ensure currency.
- 5.2. Where necessary, the policy, procedures and guidelines will be reviewed more frequently to ensure compliance with legislation.

6. Related documents

- Acceptable Use of Computers and Internet Policies
- Staff Absence and Wellbeing Policy
- Business Procedures
- Child Protection Policy
- Children of Staff on Site Policy
- Complaints Policy
- Dignity at Work Policy
- Disciplinary (Misconduct and Capability) Policy and Procedures

- Enterprise and Regulatory Reform Act 2013
- Equality and Diversity Policy
- Fraud Policy
- Grievance Policy
- Health & Safety Policy
- Instrument and Articles of Government
- Pay Policy (including SPH)
- Probation Policy
- Safeguarding Policy
- Staff Code of Conduct
- Staff Recruitment Policy

Whistleblowing Procedures

2. How to raise a concern

- 2.1. As a first step, you should normally raise concerns with your immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your line manager is not appropriate for any reason, you should seek advice from the Human Resources Manager or the Assistant Principal (Director of Resources).
- 2.2. Concerns may be raised orally or in writing. Staff who wish to make a written report are invited to use the following format:
 - the background and history of the concern (giving relevant dates)
 - the reason why you are particularly concerned about the situation
- 2.3. The earlier you express the concern the easier it is to take action.
- 2.4. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 2.5. Advice and guidance on how matters of concern may be pursued can be obtained from the Human Resources Manager or the Assistant Principal (Director of Resources).
- 2.6. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 2.7. You may invite your trade union representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

3. How the College will respond

- 3.1. The College will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 3.2. Where appropriate, the matters raised may:
 - be investigated by a College manager, or through the disciplinary process¹
 - be referred to the police
 - be referred to the external auditor
 - form the subject of an independent inquiry led by an independent agency
- 3.3. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the College will have in mind is the public interest.
- 3.4. Some concerns may be resolved by agreed action without the need for investigation. If urgency is required, this will be taken into account before any investigation is conducted.
- 3.5. Within ten working days of a concern being raised, the Investigating Manager will write to you:
 - acknowledging that the concern has been received
 - indicating how the College proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not

¹ See Section 7 of the Disciplinary (Misconduct and Capability) Notes for Guidance

- 3.6. The amount of contact between the staff considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the College will seek further information from you.
- 3.7. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a friend.
- 3.8. The College will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the College will arrange for you to receive advice about the procedure.
- 3.9. The College accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

4. The responsible person

- 4.1. The Principal has overall responsibility for the maintenance and operation of the Whistleblowing policy. He/she will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Corporation. Any such records will be placed in a sealed envelope in the member of staff's HR file and marked as confidential to members of the SMT and to the member of staff concerned.

5. How the matter can be taken forward

- 5.1. The Whistleblowing policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair of the Corporation. If you are still not satisfied, you may feel it is right to take the matter outside the College. The following are possible contact points:

- the Local Authority
- the College's external auditor
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police