



Whistleblowing Policy and Procedure

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1. Aim

- 1.1. The aim of this policy is to acknowledge the need to operate in a climate of openness in which stakeholders(s) can raise legitimate concerns externally without fear of reprisal in order to assist promotion of the highest standards of probity and to promote accountability within the College.
- 1.2. This policy should read in conjunction with the College Public Information Policy

2. Policy

- 2.1. This policy constitutes a code of practice that confirms support of the notion of whistleblowing which enables concerns to be raised outside the organisation without fear of reprisal to the stakeholder(s).
- 2.2. The Public Interest Disclosure Act, which came into force 2013, is designed to protect Whistleblowers from detriment and unfair dismissal.
- 2.3. The Whistleblowing Policy is intended to protect and support both the Whistleblower and the accused from victimisation prior to, during and after the period of investigation.
- 2.4. The Whistleblowing Policy encourages any person(s) who have any issues or concerns about the organisation to be confident over raising them internally through existing processes and procedures before they raise them externally. These include; through the Student Complaints Policy and Procedure; Staff Complaints Policy; Academic Disciplinary Policy; Student Code of Conduct & Disciplinary Procedure, or through existing forums and committees as appropriate, or through direct contact with peers/tutors/line managers or other senior members of staff.
- 2.5. This policy is designed to provide assurance to all stakeholders over the integrity of the processes and procedure including the management, maintenance and overall professionalism of the appropriate parties.

3. Procedure

3.1. Reporting Concerns

- 3.1.1. 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 quickly resolve and redress employee grievances, i.e. relating to a specific individual's employment, in a manner which is fair and professional.
- 3.1.2. As yet there is no legal definition of 'Whistleblowing' but it normally covers allegations of suspected fraud, corruption and malpractice, including financial irregularities, bribery, dishonesty, criminal activities, personal misconduct, creating or ignoring serious risks to health, safety or the environment, or acting contrary to the staff code of ethics.



3.2. Criteria

3.2.1. The following could be considered as a serious disciplinary offence:

- 3.2.1.1. any management or staff action designed to prevent or deter an individual from raising a genuine concern relating to fraud, corruption or malpractice, or to harass the individual showing those concerns.
- 3.2.1.2. any abuse of the whistleblowing system through maliciously raising unfounded allegations.
- 3.2.1.3. Talking to the press, radio, TV or other media outlet at any time without the Public Information Management Group's permission.

3.3. Protection

3.3.1. The Public Interest Disclosure Act (2013) will protect workers who disclose information in the correct manner from dismissal or penalisation by their employer. The definition of 'worker' is broader than 'employee' and applies to individuals who:

- 3.3.1.1. are employed under a contract of employment
- 3.3.1.2. are employed under any other contract under which they perform personally, any work or services for another party
- 3.3.1.3. work or worked for a person in circumstances which:
- 3.3.1.4. s/he is or was introduced or supplied to do that work by a third person, i.e. agency workers
- 3.3.1.5. is or was provided with work experience provided pursuant to a training course or programme or with training for employment otherwise than under a contract of employment; or (b) by an educational establishment on a course run by that establishment, i.e. learners.

3.3.2. It is expected that the complainant will be acting in good faith and have reasonable grounds for believing that the information disclosed indicates the existence of one of the following problems:

- 3.3.1.6. that a criminal offence has been committed, is being committed or is likely to be committed
- 3.3.1.7. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which s/he is subject
- 3.3.1.8. that a miscarriage of justice has occurred, is occurring or is likely to occur
- 3.3.1.9. that the health and safety of any individual has been, is being or is likely to be damaged. It must indicate greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it
- 3.3.1.10. that deliberate concealment of any of the above has occurred, is occurring, or is likely to occur.

3.3.3. The designated investigator will:

- 3.3.1.11. Clarify any details and establish if internal procedures have been exhausted. Ensure that the employee is aware of the protection



offered by the PIDA (Public Interest Disclosure Act 2013) and has the contact details for the independent whistleblowing charity Public Concern at Work.

3.3.1.12. Inform the Chair of the College Oversight Board (COB) that a concern has been raised, except when any concern is raised about the Chair of the College Oversight Board, in which case they would be informed at an appropriate time in the investigation that the concern has been raised and not at the outset, in line with the principles of investigation.

3.3.1.13. Obtain legal or other advice as necessary.

3.3.1.14. The investigator will involve members of the senior management such as the Registrar or Head of Programme and Academic Monitoring, in the investigation at this stage if appropriate.

3.3.4. The possible outcomes include the following:

3.3.1.15. External investigation e.g. by Internal Audit Service

3.3.1.16. Report to outside body

3.3.1.17. Report to the Police

3.3.1.18. Internal disciplinary action or suitable penalty against any wrongdoer

3.3.1.19. No further Action (with full explanation provided to complainant(s))

3.4. Confidentiality

3.4.1. Any matter raised under this procedure will be treated in the strictest confidence and personal details will not be disclosed to the person against whom the allegation has been made without written permission. Furthermore, any investigation will be carried out discretely and the nature of the allegations and the name of those implicated will not be made public.

3.5. Review

3.5.1. If it is found that the person responsible for the investigation is not dealing with the matter properly, it should be raised in confidence with the Chair of the College Oversight Board, or any other member of the Board.