



South Downs College

WHISTLEBLOWING PROCEDURE

Responsible Senior Manager:	Assistant Principal Human Resources & Organisational Development
Trade Union Consultation:	June 2016
Corporation Approved:	June 2016 *
Related Policies:	Anti Bribery Policy Anti Fraud Policy Financial Regulations and Procedures (Declaration of Interests; Gifts & Hospitality) Code of Professional Conduct Disciplinary Procedure
Effective from:	June 2016
Next Review Date:	June 2019



European Union
European Social Fund
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* Audit Committee (delegated powers)

SOUTH DOWNS COLLEGE
PROCEDURE FOR PROTECTED DISCLOSURES ('WHISTLEBLOWING')

1. Introduction

- 1.1 This procedure has been designed to operate in accordance with the provisions of the Public Interest Disclosure Act 1998 (the Act), which gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work. This is sometimes known as 'Whistleblowing'.
- 1.2 The procedure applies to all staff in the College and is intended to encourage staff to raise concerns within the College as a first priority, rather than make a wider disclosure outside of the College.

2. General Principles

- 2.1 The Corporation and Senior Leadership Team will treat all matters of malpractice very seriously and responsible allegations about such matters will be dealt with quickly, seriously and with appropriate confidentiality.
- 2.2 In order to meet the requirements of the Act, the procedure is applicable to not only all staff but to agency staff, students, volunteers, contractors and suppliers operating under contract to the College. The term 'employees' in this procedure is intended to cover all of these categories of people.
- 2.3 This procedure should not be confused with any other existing procedures such as the individual or collective grievance procedures that exist to enable employees to raise concerns about their own employment. It is designed to deal with major issues that fall outside the scope of those procedures.

Students have access to their own complaints procedure (the College's Complaints, Compliments and Suggestions policy and procedure).

- 2.4 Therefore any matter which is more appropriately covered by those procedures is excluded from being considered under the 'Whistleblowing' procedure.
- 2.5 Examples of the type of issue that would fall within the scope of this procedure are:-
- Conduct which is a criminal offence or a breach of the law
 - Sexual or physical abuse of students or others
 - Major health and safety risks – to staff, students or members of the public
 - Fraud and/or bribery or corruption
 - Other unethical conduct of a serious nature.
- 2.6 The Act also covers issues relating to miscarriage of justice and environmental damage.
- 2.7 To ensure protection from victimisation, discrimination or disadvantage, under the Act any allegation must be generally in the public interest and by a person acting with a predominantly honest motive. This procedure also ensures employees receive an appropriate response to their disclosure and are aware of how they may pursue the matter outside of the College if this response is not satisfactory.
- 2.8 It is acknowledged that there are some circumstances in which there may be a statutory requirement to report information to an external agency such as the Police.

Disclosures made under this procedure are likely to be of a sensitive nature and all parties must preserve confidentiality at all times.

3. Representation

- 3.1 Employees are entitled to be represented by a Trade Union representative or a work colleague at any meetings or interviews that are held in relation to the disclosure made. Employees should specify that they are making a disclosure under this procedure at the outset.
- 3.2 The individual manager hearing the disclosure is encouraged to take advice from the Human Resources Department as soon as the **disclosure** has been made known to them.

4. Time Limits

- 4.1 There are no time limits on raising concerns under this procedure, but issues should be raised at the earliest practicable opportunity, since delays in making a disclosure may prevent a full investigation from taking place.
- 4.2 Where time limits have been included within this procedure, they are there to ensure that disclosures are dealt with, as quickly as possible and to ensure there is a prompt initial response from management.
- 4.3 The investigation that takes place after the disclosure is not time limited but will be conducted as quickly as possible within the circumstances of the disclosure.

5. Untrue Allegations

- 5.1 If an allegation is found to be untrue, but the allegation has been made generally in the public interest and by the employee acting with a predominantly honest motive, no action will be taken against the employee.
- 5.2 However, employees who make allegations maliciously, frivolously or for personal gain may face formal disciplinary action.

6. Accountability

- 6.1 The College will keep a record of all concerns raised under this policy (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 Audit Committee on an annual basis as appropriate.

MODEL PROCEDURE

A. Raising a Concern

In the first instance, concerns under this procedure should be raised with the employee's immediate manager who should then deal with the problem as quickly as possible.

If the employee believes that their immediate manager is involved in the malpractice they may raise their concerns with a more senior member of staff including a member of SLT, the Vice Principal or the Principal.

In extreme cases, if the employee believes it is not appropriate to raise the matter with any of these people, he/she may approach the Chair of Audit Committee through the Clerk to the Governors.

Within 10 working days of a concern being raised, the person hearing the concern will write to the employee to acknowledge that the concern has been received. They should also indicate what initial steps they intend to take to deal with the matter, and where possible provide an estimate of time it will take to provide a final response.

Concerns may be raised orally or in writing, although written submissions are preferred wherever possible.

Disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information etc.

Employees must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Employees who wish to make an anonymous disclosure may do so, but it is important for the investigating manager to know the source of the information for a full and appropriate investigation to be possible.

The manager would need to take into account the nature and credibility of an allegation before deciding whether to proceed with an investigation.

Employees should be reassured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity.

The Act provides protection for anyone who makes a protected disclosure that is generally in the public interest and acting with a predominantly honest motive.

B. Resulting Action

Following a disclosure made under this procedure, enquiries will be made to establish the validity of the allegations. If they are found to be true, the appropriate action will be taken, which may include:

- A full internal investigation, which may lead to formal disciplinary action being taken
- A referral to the Police or Children's Services (if appropriate)
- A referral to an auditor or other Professional Body

Subject to legal constraints and the need to protect the rights of individuals, the employee raising the concern will be informed of the outcome at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about any formal action taken against another employee.

For reasons of sensitivity and confidentiality, all communications with an employee who takes action under this procedure will be sent to their home address, unless alternative arrangements have been mutually agreed.

C. Taking the Matter Further

In the event that an employee feels that their concerns have not been resolved through the above process, they may write to the Chair of the Corporation – if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of the Corporation will write to the employee to acknowledge that the concern has been received and indicate what steps will be taken to deal with the matter, as well as providing an estimate of the time it will take to provide a final response.

The Chair may decide to set up a small group of Governors, if appropriate, to investigate the concerns.

The Chair will then inform the employee of the outcome of this process on the same basis as required of the manager above.

In the event that the matter cannot be satisfactorily resolved within the College, the employee may raise their concerns in writing to the Association of Colleges and/or the Skills Funding Agency.

These offices will follow the same basic procedure outlined above in the same timescales and will feedback the outcome to the individual employee.

If an employee is still dissatisfied with the response they have received, subject to the concern being a matter covered by the Act, he/she can raise the matter, as appropriate, with one of the following Agencies:-

- An elected Member of the Local Council
- A local Member of Parliament
- The Police
- Public Concern at Work
- Citizens Advice Bureau
- A relevant professional Body or Inspectorate
- The Local Government Ombudsman

Information and guidance can be found on the Internet, including:

<https://www.gov.uk/whistleblowing>

<http://www.pcaw.org.uk/law-policy/a-guide-to-pida>

A full list of prescribed people and bodies is available on:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

In taking their concern outside of the College, employees must ensure that, as far as possible, the matter is raised without personal information relating to other employees being disclosed.

An employee who approaches an accredited legal advice centre, eg Public Concern at Work or Citizens Advice Bureau, must ensure they do not breach the duty of confidence in this procedure to the Corporation of the College.

D. Failure to Follow this Procedure

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure, may be liable to formal disciplinary action.