



WHISTLEBLOWING GUIDANCE & PROCEDURE

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Roger Bevan

HUMAN RESOURCES

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WHISTLEBLOWING GUIDANCE & PROCEDURE

1.0 GUIDANCE

- 1.1 Warwickshire College Group is committed to encouraging a fair, open and respectful culture. This guidance outlines the measures available to employees who have a serious concern about malpractice without fear of reprisal.
- 1.2 This document should be read in conjunction with the College's Guidance and Procedures on Disciplinary, Grievance, Equality and Diversity, Bullying and Harassment, Health and Safety, Sickness Absence Management, Complaints and the Staff Code of Conduct.
- 1.3 This document should also be read in conjunction with the Public Interest Disclosure Act 1998.
- 1.4 This policy applies to all staff, students, external parties and subcontractors.

2.0 Aims of the Guidance/Procedure

- 2.1 To encourage individuals to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- 2.2 To provide individuals with guidance as to how to raise those concerns
- 2.3 To reassure individuals that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

3.0 Introduction to Whistleblowing

- 3.1 Whistleblowing is a term used when someone who works in or for an organisation (referred to in this document as an "employee") raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. This policy applies to all individuals working at all levels of the organisation, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff (referred to as employee in this document).
- 3.2 The Public Interest Disclosure Act (PIDA) 1998 protects the employee against detriment or dismissal for 'blowing the whistle' about matters in the public interest.
- 3.3 Employees should feel free to report genuine concerns about malpractice without the fear of reprisal.

4.0 Types of Concerns

- 4.1 An employee may have a serious or sensitive concern about malpractice within the College. A disclosure may be a 'qualifying disclosure' if it discloses

information which, in the reasonable belief of the employee, tends to show one or more of the following and it is in the public interest:

- That a criminal offence has been committed is being committed or is likely to be committed, e.g., fraud, financial irregularity
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject, e.g. Safeguarding, falsification of student grades or actions which call into question the integrity of educational standards
- That a miscarriage of justice has occurred, is occurring or is likely to occur
- That the health and 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 matter falling within any one of the above has been, is being, or is likely to be deliberately concealed.

4.2 **The Bribery Act 2010:** The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all employees of the College. All employees are required to avoid actions that could be perceived to be disproportionate and/or inappropriate concerning matters such as hospitality and the giving or receiving of gifts. Employees must raise concerns as soon as possible if it is believed or suspected that an incident of bribery or other corruption is or has taken place. For further information please refer to the College's staff Code of Conduct.

4.3 **The Modern Slavery Act 2015:** The reporting of any suspected slavery or human trafficking activities being undertaken by anyone employed at WCG or any of its suppliers is the responsibility of all employees of the college. As per the Code of conduct, employees must raise concerns as soon as possible if it is believed or suspected that such activity is or has taken place.

5.0 Confidentiality

5.1 Employees are afforded the protection of confidentiality and any matter raised will be treated in the strictest confidence. The identification of the employee who has raised a concern will not be disclosed without prior permission. Furthermore any investigation will be carried out discreetly. However, the employee must be aware that although the matter will be treated in the strictest confidence, where incidents linked to Safeguarding concerns are raised, the College is obliged to involve the appropriate parties.

5.2 Confidentiality is fundamental to enabling staff to raise legitimate concerns and the College is committed to ensuring at all stages, where possible, that confidentiality is maintained.

6.0 Protection of the Individual Raising the Concern

6.1 Under the Public Interest Disclosure Act (1998) the disclosure of confidential information in the public interest is a lawful act and employees cannot be dismissed, disciplined or unfavourably treated provided:

- The employee reasonably believes that disclosure is in the public interest
- The employee has a reasonable belief that the information disclosed, and any concern contained in it, are substantially true.

6.2 Under no circumstances should employees communicate with the media (press, radio, television etc), or via social networking sites (Facebook, Twitter etc.) or to any other person or body without first exhausting the proper internal procedure.

7.0 Misuse of the Procedure

7.1 The procedure set out below is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the College and may not be used to raise grievances about personal employment situations which may arise from, for example, weak management rather than malpractice.

7.2 Wilful misuse to knowingly make false or malicious accusations could constitute gross misconduct and may lead to dismissal.

7.3 Other employees must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

8.0 Access to external bodies

8.1 If the College finds the concern unsubstantiated, the employee does have the right to have access to an appropriate official and independent external body. This recourse should only be used when internal procedures have been exhausted. An appropriate external body could be the College's internal or external auditors, the Skills Funding Agency (or any successor body), an MP or local councillor. The College can specify which external body may be appropriate in relation to individual circumstances.

8.2 It should be noted that in cases of referral to external bodies, the individual may be protected under the Act if the College has authorised the disclosure, or where the employee has not initially raised the issue with the College, in the belief that the evidence would be concealed, or destroyed, and there is no regulatory body to which genuine concerns can be expressed.

9.0 PROCEDURE

9.1 This procedure is intended to outline the steps to be followed by an employee when raising a legitimate concern of malpractice and the steps the College will follow in investigating that concern.

10.0 The Procedure for Raising a Concern

10.1 Concerns about malpractice should always be raised internally in the first instance. The concern, or disclosure, must consist of information rather merely being an allegation. It must convey the information in the form of facts and identify which concern(s) outlined in 4.1 they are related to.

- 10.2 Concerns of malpractice should, initially, be raised with the Corporate Services Director for HR & Marketing, or appropriate member of the College Senior Leadership Team (SLT). If the matter relates to one of these individuals the issue may be raised with the Principal, Chief Executive or Chair of Governors.
- 10.3 In order to encourage confidentiality it will be appropriate to allow a concern to be raised verbally rather than insist that it be submitted in writing.
- 10.4 Employees may seek the assistance of their Trade Union representative before raising a concern. The representative may, where the employee desires, raise the concern on their behalf.
- 10.5 If an individual is unsure whether to use this procedure or they wish to obtain independent advice at any stage they can contact the independent charity, Public Concern at Work. Whistleblowing Advice is available via the Gov.UK website. Public Concern at Work will be able to advise on how and with whom to raise a concern about malpractice.

11.0 The Procedure for Dealing with a Concern

11.1 Disclosures will be treated as confidential and sensitive. The College will exercise particular care to keep confidential the identity of any such person raising a concern under this procedure until it is decided it may be necessary to launch a more formal investigation. On receipt of a concern an Investigating Officer will meet with the individual who has a concern, to complete a preliminary investigation to obtain key details, including:

- if the employee is anxious about reprisals;
- when the concern first arose and, where relevant, what is prompting the decision to speak up now;
- whether the information is first hand or hearsay;
- where the approach is to a designated officer, whether the employee has raised the concern with their line manager and (a) if not, why and (b) if so, with what effect;
- whether and when the employee wants feedback;
- confirming mutual expectations surrounding confidentiality
- confirming how the College proposed to deal with the matter and
- if there is anything else relevant the employee should mention.

These key details should be recorded in writing by the designated officer, along with written details of the initial concern.

- 11.2 Within 3 working days of completion of this stage, written acknowledgement of the concern will be sent to the concerned employee (at his/her home address)
- 11.3 The Investigating Officer will look at the available evidence and determine if the concern is appropriate for consideration under the Public Interest Disclosure Act (PIDA) and if so, decide whether the investigation should be conducted via:

External Process:
External audit

Notification to: police / Ofsted / relevant funding agency / HSE / Environment Agency / Serious Fraud Office / Inland Revenue / Local authority

Or The College's internal process(es):

Disciplinary procedure

Internal audit

Review of internal policies & procedures

A combination of these

- 11.4 In instances where there is suspicion of a criminal act the police will be notified.
- 11.5 Where a decision is made to investigate through the College's disciplinary process the disciplinary procedure will be followed from this point and in addition points 11.6 – 11.9 will apply.
- 11.6 Within 10 working days the Investigating Officer will either advise the concerned employee, in writing, of how the College intends to deal with the concern, or to give full explanation if it is not deemed necessary to proceed. If the concern is, on further inspection, not one of whistleblowing, the Investigating Officer will advise the employee of the appropriate route to take with their concern/s. Any correspondence will be sent to the employee's home address.
- 11.7 The individual(s) who is/are named within the concern shall be notified in writing.
- 11.8 The Investigating Officer will feedback to both the individual who has raised a concern and the employee named within the concern on the progress and outcome of any investigation wherever possible.
- 11.9 The Investigating Officer will ensure that any recommendations presented as the investigation progresses will be put in writing and assigned to the most appropriate SLT member. The SLT member will monitor the recommendations and any resulting action plan to ensure that recommendations are implemented without delay.
- 11.10 If suspicions are not confirmed by an investigation the matter will be closed. Employees will not be treated or regarded any differently for raising the concern and their confidentiality will continue to be protected.
- 11.11 The individual who has a concern may bring along a Warwickshire College work colleague or trade union representative to any meetings under this policy; their companion must respect the confidentiality of their disclosure and any subsequent investigation.

12.0 Accessing the Governing Body

- 12.1 If, at the conclusion of the initial investigation the concerned employee is not satisfied that their concern has been properly dealt with by the designated officer, or by the person(s) or body to whom the matter was referred for investigation, then he/she will have the right to raise it in confidence with a

member of the Governing Body through an approach to the Clerk to the Corporation.

- 12.2 The Clerk of the Corporation will arrange a meeting between the concerned employee and Member(s) of the Governing Body within 15 working days of the appeal. The Clerk to the Corporation will endeavour to facilitate a meeting with the Chair of the Audit committee; or other Member or group of Members (excluding staff members), chosen by the concerned employee.
- 12.3 The Member of the Governing Body appointed to hear the complaint shall be empowered to seek clarification on the decision made by the designated officer.
- 12.4 If, in the opinion of the Member of the Governing Body he/she is satisfied the concern has been appropriately dealt with, the concerned employee will be informed accordingly and a confidential report and recommendation should be given to the Members of the Board of the Corporation at the next available meeting of the Board.
- 12.5 If the Member of the Governing Body is concerned that the matter has not been appropriately dealt with the Governor will reinvestigate the matter and take an appropriate response following the findings of this further investigation.

13.0 FURTHER ASSISTANCE

- 13.1 Further advice is available from the HR Department.
- 13.2 This document can be made available in a different format on request to the HR Department.

14.0 REVIEW

- 14.1 This document will be reviewed within 36 months of issue unless business reasons or a change in legislation dictate an earlier review.

This policy is not contractual – it does not form part of an employee’s terms and conditions of employment and may be amended from time to time as required.