



## **CONFIDENTIAL REPORTING (*WHISTLEBLOWING*) POLICY**

### **1. INTRODUCTION**

- 1.1 Employees and others directly involved in College activities are often the first to realise that there may be something seriously wrong within the College or may have such a matter brought to their attention by a member of the public. However, they may not express their concerns because they feel that speaking out would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, governors and others involved with College activities, 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.
- 1.3 The Confidential Reporting Policy is intended to encourage and enable employees, governors and others to raise serious concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 1.4 The policy applies to all employees, governors and others on the College site, including those contractors working for the College on College premises, for example, agency staff and builders. It also covers suppliers and those providing services under a contract with the College in their own premises. If a student wishes to raise a concern or complaint, the Complaints Procedure as detailed in the College Charter should be followed.

### **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 This policy aims to:
  - encourage staff members and other relevant individuals to feel confident in raising serious concerns and to question and act upon concerns
  - provide a structure through which staff members and relevant individuals can raise those concerns and receive feedback on any action taken
  - ensure that staff members and relevant individuals receive a response to concerns raised and are aware of how to pursue the matter further if they consider the response is unsatisfactory
  - re-assure staff members and relevant individuals that protection is in place from possible reprisals or victimisation where disclosure has been made.
- 2.2 There are existing procedures in place to enable staff members to lodge a grievance relating to employment matters. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. Thus, any serious concerns that arise about any aspect of service provision can be reported under the Confidential Reporting Policy. This includes the conduct of employees of the College, Governors and others acting on behalf of the College.

Concerns should be raised where actions fall below generally well established standards to which the College subscribes.

These may include:

- conduct which is an offence or a breach of law
- abuse of students, or other unethical conduct
- disclosures relating to miscarriages of justice
- health and safety risks, including risks to the public as well as employees and students
- damage to the environment
- the unauthorised use of public funds and/or possible fraud and corruption
- possible contravention of the College's Instruments and Articles and/or policies

### **3. SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

3.1.1 The College is committed to good practice and high standards and wants to be supportive of employees, governors and all others associated with it.

3.1.2 The College recognises that the decision to report a concern can be a difficult one to make. Staff members should feel confident that they have nothing to fear and that, in reporting a concern, they are performing a service on behalf of the College as a whole. Individuals receive protection under the Public Interest Disclosure Act 1998, in respect of matters which fall within the definition of 'qualifying disclosures' under that Act as outlined in paragraph 2.2

3.1.3 The College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to prevent recriminations when a concern is raised in good faith.

3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already be operational.

#### **3.2 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of those raising concerns. At the appropriate time, however, the person raising the concern may need to come forward as a witness.

#### **3.3 Anonymous Allegations**

3.3.1 This policy discourages anonymous allegations whenever possible.

3.3.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.

3.3.3 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.

#### **3.4 Untrue Allegations**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

### **4. HOW TO RAISE A CONCERN**

4.1 As a first step, concerns should normally be raised with the Deputy Principal. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If this route is not appropriate for any reason, concerns should be raised with the Chair of the Corporation or Principal, as appropriate.

- 4.2 Concerns may be raised verbally or in writing. A written report should include the background and history of the situation (including relevant dates) and highlight the specific issue causing concern, and include any available evidence.
- 4.3 The earlier a concern is expressed, the easier it is to take action.
- 4.4 It will need to be demonstrated to the person with whom the issue has been raised that there are reasonable grounds for concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Chair of the Corporation, Principal or Deputy Principal.

## 5. HOW THE COLLEGE WILL RESPOND

- 5.1 The College will respond to concerns raised.
- 5.2 Where appropriate, the matters raised may:
- be investigated by management, or a Special Committee of the Corporation, or through the disciplinary process
  - be referred to the police
  - be referred to the external auditors
  - form the subject of an independent inquiry
- 5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether the concerns raised are valid and if an investigation is appropriate and, if so, what form it should take.
- 5.4 In exceptional circumstances, concerns may be resolved by agreed action without the need for investigation. If urgent action is required (where the concern raises a safeguarding issue, for example) this is likely to take place before any investigation is completed.
- 5.5 Within **ten** working days of a concern being raised, the responsible person (as outlined in 4.1 above) will respond in writing:
- 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
  - supplying information on relevant support mechanisms
- 5.6 The College may seek clarification and information as the investigation progresses.
- 5.7 At any meetings arranged in connection with the concern, the individual raising the concern may be accompanied by a trade union representative or a work colleague.
- 5.8 The College will take steps to minimise any difficulties which may arise as a result of raising a concern. For instance, if evidence is required in criminal or disciplinary proceedings, the College will arrange for advice to be provided about the procedure.
- 5.9 The College will inform the individual of the outcome of any investigation, subject to any legal constraints.
- ## 6. HOW THE MATTER CAN BE TAKEN FURTHER
- 6.1 This policy is intended to provide a procedure within the College to raise concerns. If the individual is not satisfied with the action taken, they may raise it, in confidence, with the Chair of the Corporation or the Principal as appropriate.

6.2 If this is still not satisfactory it may be appropriate to take the matter outside the College. The following are possible routes:

- the College's auditor Crowe, Clark, Whitehill LLP (telephone 01242 234421)
- a trade union representative
- relevant professional bodies or regulatory organisations
- The charity Public Concern at Work telephone 020 7404 6609 or email [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) (*a relevant voluntary organisation*)
- the police

### Notes

If an individual needs to contact the Chair of the Corporation or Clerk to the Corporation, the Principal's PA (also the Deputy Clerk to the Corporation) will be able to advise. Usually, this will involve a letter, marked 'confidential', which will then be passed to the relevant party.

19.03.15

***Approved by the Audit Committee March 2015***