



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

**January 2015**

<b>Completed by: Cathryn Marsden/Vicki Nelson</b>	<b>Date: January 2015</b>	<b>Review Date: March 2019</b>
Job Title: Personnel Officers Staff Code: CXM/VJN		
Location of Document: Admin Folder on Staff Intranet		

## 1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up 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, integrity and accountability. In line with that commitment, it is important that employees have a safe and accessible procedure whereby serious concerns can be raised in a confidential manner. It is in the interests of all concerned that disclosures of wrongdoings or irregularity are dealt with properly, quickly and discreetly. The College expects employees, and others that it deals 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.
- 1.3 This policy document makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the College rather than overlooking a problem or "blowing the whistle" externally, and thereby upholding the reputation of the College and maintaining public confidence.
- 1.4 The policy applies to all employees, people that are training with the College but not employed, self-employed workers and those contractors working for the College on College premises, for example, agency workers, builders. It also covers suppliers and those providing services under a contract with the College.

## 2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for employees to raise those concerns and receive feedback on any action taken
- ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- re-assure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith

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2.2 Employees should note that the Confidential Reporting Policy is not a mechanism for raising private grievances or grievances about their employment. The College's Grievance Procedure for Staff should be used for this purpose.

2.3 If employees bring information about a wrongdoing to the attention of their employer or a relevant organisation, they are protected against dismissal or victimisation in certain circumstances under the Public Interest Disclosure Act 1998, as amended in July 2013. The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:-

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above

2.4 The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. Thus, any serious concerns that employees have about any aspects 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 the Confidential Reporting Policy. This may be about something that:

- makes an employee feel uncomfortable in terms of known standards, their experience or the standards they believe the College subscribes to; or
- is against the College's Articles & Instruments and Policies; or
- falls below established standards of practice; or
- amounts to improper conduct including knowledge of reasons why someone should not work with children, the unauthorised use of public funds, fraud & corruption, sexual, physical or psychological abuse of staff or students or any other unethical conduct

### **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.

3.1.2 The College recognises that the decision to report a concern can be a difficult one to make. If what an employee is saying is true, they should have nothing to

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fear because they will be doing their duty to their employer and to the College as a whole.

3.1.3 The College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an employee when they raise a concern. They will be eligible for protection if:-

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

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 affect an employee.

### 3.2 Confidentiality

3.2.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. At the appropriate time, however, they may need to come forward as a witness.

3.2.2 Throughout and after the process, especially if the identity of the accuser is known to the accusee, both identities must be kept confidential by all parties.

### 3.3 Anonymous Allegations

3.3.1 This policy encourages an employee to put their name to their allegation 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 employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

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

4.1 An employee should raise the concern with a member of the Executive Team, usually following an initial discussion with an appropriate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If their concern relates to the actions or conduct of the Principal, they should report the matter to the Chair or Vice Chair of the Corporation. If an employee feels unable to use this policy, their disclosure should be made to a prescribed person, such as Ofsted or Ofqual, so that their employment rights are protected.

4.2 Concerns should ideally be submitted in writing using the following format:

- the background and history of the concern (giving relevant dates);
- the reason why they are particularly concerned about the situation

However, if for any reason, this presents a difficulty it is possible to make their complaint either in person, by telephone or ask a colleague to do it on their behalf.

4.3 The earlier a concern is expressed the easier it is to take action.

4.4 Although an employee is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Principal, the Assistant Principal (Operations), the Assistant Principal (Quality and Learning), the Assistant Principal (Pastoral and Student Support), or the Personnel Officers.

An employee may wish to consider discussing their concern with a trade union representative or workplace colleague first. They may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

4.6 An employee may invite their trade union representative or a workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised.

#### **5. HOW THE COLLEGE WILL RESPOND**

5.1 The College will respond to an employee's concerns. Testing out an employee's concerns is not the same as either accepting or rejecting them.

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- 5.2 Where appropriate, the matters raised may:
- be investigated by management, internal audit or through the disciplinary process
  - be referred to the police
  - be referred to the external auditor
  - be referred to the Local Authority Designated Officer
  - 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 by the Executive Team to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle, which the College will have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken into account before any investigation is conducted.
- 5.5 Within ten working days of a concern being raised, the responsible person will:
- acknowledge that the concern has been received
  - indicate how we propose to deal with the matter
  - give an estimate of how long it will take to provide a final response
  - tell the employee whether any initial enquiries have been made
  - supply the employee with information on staff support mechanisms, and
  - tell the employee whether further investigations will take place and if not, why not
- 5.6 The amount of contact between the staff considering the issues and the employee 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 the employee.
- 5.7 Where any meeting is arranged, off-site if the employee wishes, a trade union representative or a work place colleague can accompany them.
- 5.8 The College will take steps to minimise any difficulties that the employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the College will arrange for them to receive advice about the procedure.
- 5.9 The College accepts that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the College will

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inform them of the outcome of any investigation and the action taken to resolve the issue.

## **6. RESPONSIBLE PERSONS**

The Principal has overall responsibility for the maintenance and operation of this policy. S/he maintains 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. The Chair of the Corporation is responsible for the maintenance and operation of this policy where it applies to the actions or conduct of the Principal.

## **7. HOW THE MATTER CAN BE TAKEN FURTHER**

7.1 This policy is intended to provide an employee with an avenue within the College to raise concerns. The College hopes they will be satisfied with any action taken. If they are not, they may raise it, in confidence, with the Chair the Corporation by contacting the Clerk to the Corporation. The Chair of the Corporation will review the action taken by the Executive Team in relation to the issue raised and decide whether any further action is required to address the matter. If the employee is still not satisfied they may feel it is right to take the matter outside the College. The following are possible contact points:

- the external auditor
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- Ofsted
- Ofqual

7.2 If the employee does take the matter outside the College, they should ensure that they do not disclose confidential information.

7.3 Matters of concern which come to the attention of the internal or external auditors must be referred to the Principal. If a matter of concern involves the Principal, this must be referred to the Chair of the Corporation.

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## 8. EQUALITY ANALYSIS

Is it likely that the Policy Revision could have a negative impact:-	Enter Y / N		
Questions for all Policies			
Due to ethnic group?	N		
Due to gender?	N		
Due to disability?	N		
Due to sexual orientation?	N		
Due to their religious beliefs (or none)?	N		
Due to pregnancy	N		
On people due to them being transgender or transsexual?	N		
Additional questions for Policies relating to Staff			
Is it likely that the Policy Revision could have a negative impact:-			
On people due to their age?	N		
On people due to their marital or civil partnership status?	N		
On people with dependants/caring responsibilities?	N		
Date of Review	January 2015	Did you make changes?	N

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