

Whistleblowing Policy and Procedure

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1.0 Policy

Introduction

- 1.1 This policy applies to employees of both Basingstoke College of Technology and BCoT Professional Services Limited.
- 1.2 Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.
- 1.3 This policy was formally known as the Public Interest Disclosure Policy and Procedure.
- 1.4 It is important to the college that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The college therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the

business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

- 1.5 This procedure is intended to provide a rapid mechanism under which genuine concerns can be raised internally and, if necessary, externally without fear of repercussions to the individual. It is also intended to promote throughout the college a culture of openness and a shared sense of integrity by inviting all employees to act responsibly in upholding the reputation of the college and maintaining public confidence.

Examples of serious malpractice are:

- fraud or other financial irregularity (e.g. misappropriation of money);
- corruption (e.g. bribery, blackmail, or serious breach of academic standards, such as consistent and deliberate award of unjustifiably high or low marks for student work);
- breach of a legal requirement (e.g. theft); • causing danger to the environment or individuals;
- non-routine Health and Safety issues.

Purposes

- 1.6 The policy is:
- intended to apply to disclosure by an individual (the Discloser) who is an employee, an agency contract worker or a self-employed worker engaged by the College, who has grounds to believe that serious malpractice has occurred, is occurring or is likely to occur in connection with the College;

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designed to provide safeguards to protect staff who raise genuine concerns about malpractice in connection with the College;

- one which requires management to act swiftly and constructively to address breaches of key standards;
- one which may lead to use of other procedures e.g. the Disciplinary Procedure, and to more formal investigations e.g. by Internal Audit, but will not replace them;
- designed to require an impartial Designated Assessor to be involved.

It is NOT:

- intended that the employee should be asked to 'prove' that his/her suspicions are well founded;
- designed to replace the Grievance Procedure, which should be used where an employee is aggrieved about an issue relating to his/her employment;
- designed to deal with routine Health and Safety issues, which are currently dealt with by the Health, Safety and Welfare Liaison Committee and the Health and Safety Management Group.

Assurances

1.7 The College will make every effort to keep the Discloser's identity confidential unless the Discloser otherwise consents in writing or unless there are grounds to believe that the Discloser has acted maliciously. In the absence of such consent or grounds, the Designated Assessor will not reveal the identity of the Discloser except:

- where the Designated Assessor is under a legal obligation to do so;
- where the information is already in the public domain;
- on a strictly confidential basis to the Designated Assessor's administrative assistant;
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice;
- where it is essential that the Discloser provide evidence at a Disciplinary Hearing.

1.8 The College will not tolerate harassment or victimisation of anyone raising a concern in good faith, whether or not it proves well-founded.

What the College Requires of Members of Staff

1.9 It is the responsibility of all staff to raise concerns about serious malpractice, and to do so in accordance with this policy and procedure.

1.10 Staff who raise a concern need to be clear as to what the issue is and which procedure applies e.g. whether it is a matter that would be better dealt with through this procedure or through the Grievance Procedure.

If in doubt staff should ask for procedural advice from a member of the HR Department , trade union or staff association representative, or Public Concern at Work, a registered charity which advises on serious malpractice within the workplace (telephone: 020 3117 2520 or email: whistle@protect-advice.org.uk).

- 1.11 A member of staff who raises a concern must declare any personal interest he/she has in the matter.
- 1.12 If a disclosure is made maliciously or vexatiously (or where an external disclosure is made in breach of the procedure without reasonable grounds or otherwise than to one of the appropriate bodies stated in paragraphs 2.13 and 2.14) the member of staff who raised the concern is at risk of disciplinary action.
- 1.13 Where the Discloser involves a local trade union representative or friend to assist him/her, the Discloser will be under an obligation to use all reasonable means to ensure that the representative or friend keeps the matter strictly confidential except as required by law.

2.0 Procedure

- 2.1 As a first step the member of staff should normally raise concerns with his/her immediate manager or superior. This may be done orally or in writing.
- 2.2 If a member of staff feels unable to follow this route, for good reason, or would like to discuss his/her concern in confidence, he/she can refer the matter of concern to one of the College's Designated Assessors.

The Designated Assessors are:

- (i) Clerk to the Corporation
(The Clerk to the Corporation is the Reporting Assessor who reports to the Corporation's Audit Sub-Committee)
- (ii) Head of HR
- (iii) Assistant Principal for Foundation Learning and Student Voice only in cases where the concerns are about malpractice falling under the child protection legislation.
- (iv) Deputy Principal (Curriculum)

(See Appendix 1 for guidelines on the designation and selection of appropriate Assessors.)

- 2.3 The role of Designated Assessors is to:

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- advise the Discloser of the appropriate route to lodge the complaint if it does not fall under the College's Whistleblowing Procedure;
- initiate investigations into complaints which do fall within the scope of the Whistleblowing Procedure;
make recommendations to management for appropriate remedial action if required, and monitor management action to implement these recommendations;
- make regular reports to the Corporation's Audit Sub-Committee; this will be done by the Reporting Assessor, the Clerk to the Corporation.

2.4 Concerns may be raised in writing or made orally to one of the Designated Assessors. The Discloser should provide as much supporting evidence as possible about the disclosure and the grounds for the belief of malpractice.
(See Appendix 2 for a suggested pro forma.)

If a member of staff feels unable to put his/her concerns in writing, he/she can telephone or meet one of the Designated Assessors.

2.5 In the event that an allegation is made against one of the Designated Assessors, the complaint should be made to one of the other Designated Assessors.

2.6 On receipt of the concern by the member of staff, the Designated Assessor will offer to interview the Discloser within seven working days, in confidence, or immediately if there is any danger of loss of life or serious injury. The purpose of the interview will be for the Designated Assessor to obtain as much information as possible from the Discloser about the grounds for the belief of malpractice.
(See Appendix 3 for a suggested pro forma.)

2.7 The Discloser may be accompanied by a trade union representative, colleague or friend at the interview. (The Designated Assessor may be accompanied by an administrative assistant to take notes, which will not identify the Discloser.)

2.8 Within ten working days of the interview (or after the initial disclosure if no interview takes place) the Designated Assessor will recommend what further steps should be taken. Such recommendations may include one or more of the following:

- that the matter should be investigated internally using appropriate College Managers, the Audit Committee or other investigators appointed by the College (see paragraph 2.10);
- that a member of staff should be given the opportunity to seek redress through the College's Grievance Procedure;

- that the matter should be reported to Learning & Skills Council, Department for Education and Skills or other relevant public authority;
- that the matter should be reported to the Police.

The above list is not exclusive or exhaustive.

(See Appendix 4 for a suggested pro forma.)

2.9 The grounds on which the Designated Assessor may recommend that no further action by the College should be taken are as follows:

- that the Designated Assessor is satisfied that on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- that the Designated Assessor is satisfied that the Discloser is not acting in good faith;
- that the matter is already (or has been) the subject of proceedings under one of the College's other procedures;
- that the matter concerned is already the subject of legal proceedings, or has already been referred to Learning & Skills Council, Department for Education and Skills, other relevant public authority or the Police.

2.10 If the Designated Assessor considers an investigation to be the appropriate step to take, he/she will initiate this investigation, aiming to convey an initial conclusion to the Discloser within 28 days. However if there is any danger of loss of life or serious injury, the initial investigation will take place immediately and interim results reported to the Principal without delay.

2.11 Any recommendations made under this procedure should be made by the Designated Assessor to the Principal unless it is alleged that the Principal is involved in the alleged malpractice or unless there are other reasonable grounds for not doing so, in which case the recommendations should be made to the Chair of the Audit SubCommittee. In any case, the recommendations will be made without revealing the identity of the Discloser except as provided in paragraph 1.3 above. The recipient of the recommendations will take all steps within his/her powers to ensure that they are implemented except to the extent that in the view of the recipient there are good reasons for not doing so. If the Principal decides not to implement fully any such recommendations that decision will be notified in writing by the Reporting Assessor to the Chairman of the Audit Committee, together with the reasons for it.

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- 2.12 All responses to the Discloser will be made in writing and sent to the Discloser's home address rather than through the internal mail. If no further steps by the College are proposed, the Designated Assessor will give the reason for this.
- 2.13 If the Discloser has not had a response within the above stated time limits or otherwise feels that the complaint is not being dealt with appropriately:
 - the Discloser may appeal within 21 days to the Chairman of the Audit Sub-Committee; alternatively the Discloser may raise the matter in confidence directly with the Learning & Skills Council, Department for Education and Skills, other relevant public authority or the Police. Before taking any such action, the Discloser will inform the Designated Assessor.
- 2.14 The Discloser may also raise the matter in accordance with paragraph 2.13 above if the Discloser has reasonable grounds for believing that all of the Designated Assessors are or were involved in the alleged malpractice or that the Discloser will be subject to a detriment as a result of making the disclosure.
- 2.15 The Discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.
- 2.16 Once the channels laid out in this procedure have been exhausted, the Discloser has a right and duty to publish his/her concerns publicly provided that he/she:
 - (i) is acting in good faith;
 - (ii) believes on reasonable grounds that the information is accurate;
 - (iii) has not made the disclosure principally to obtain payment or personal gain;
 - (iv) has exhausted the stages of this procedure.

3.0 Conclusion

- 3.1 Staff are encouraged to use the procedure. The remedial action may be simple and the solution straight forward and if staff express genuine concern to the right people at an early stage the benefits to the College can be enormous.
- 3.2 Staff must not take concerns outside of the College, especially to the press or media, until the procedure has been exhausted. With respect to any communication from the media, staff must ensure that they refer the

matter to the College Manager responsible for Marketing and Publicity, let their manager know that there is a media interest and obtain approval before providing any personal response.

Appendix 1 – Whistleblowing Procedure

Guidelines for the Designation and Selection of Appropriate Assessors (These Guidelines are adapted from “Adopting a College Procedure on Whistleblowing; A Guidance Note”, AoC April 1997)

- 1 The Principal of the College will ensure that there are at least three designated Assessors for the purposes of this procedure. It is vital that there is more than one Assessor for the unlikely case that an allegation is made against an Assessor.
- 2 The Assessors should have access to Members of the Corporation.
- 3 The Assessors should include both male and female managers.
- 4 The Principal may revoke any designation from time to time and designate new Assessors. The Principal will report any such revocation to the next meeting of the Corporation, together with brief reasons for the revocation.

Appendix 2 – Whistleblowing Procedure

CONFIDENTIAL MEMORANDUM

To:
(Please name the Designated Assessor you would like to address)

From:

Date:

CONCERN ABOUT MALPRACTICE UNDER THE COLLEGE'S PUBLIC INTEREST DISCLOSURE PROCEDURE

I would like to notify you as one of the College's Designated Assessors for concerns under the College's Public Interest Disclosure Procedure of the following malpractice that has come to my attention:

1. Category (please tick):

- Fraud
- Corruption
- Actions or omissions which have potential for loss of life or serious injury
- Breach of a legal requirement
- Other

2. Details of malpractice occurring:

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.....
.....
.....

3. Dates or period of time when malpractice occurred:

.....
.....

4. The allegation is made against:
.....
.....
.....

5. Evidence
Supporting evidence is attached (list the documents below):
.....
.....
.....
.....

Please contact me as soon as possible to arrange a date for a meeting. (The Whistleblowing Procedure requires the Designated Assessor to offer an interview within seven working days.)

Signature:

Name: Date:.....

Appendix 3 – Whistleblowing Procedure

CONFIDENTIAL MEMORANDUM

To:

From:
(Designated Assessor for concerns under the College’s Whistleblowing Procedure)

CONCERN ABOUT MALPRACTICE UNDER THE COLLEGE'S WHISTLEBLOWING PROCEDURE

YOUR MEMORANDUM DATED:

Thank you for raising your concern about malpractice with me.

To discuss the matter further I suggest the following date for a meeting:

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This will take place in my office unless you would prefer an alternative venue. Please indicate whether you will be accompanied by a trade union representative, colleague or friend.

Please note that the purpose of this meeting is for me to obtain as much information about your concern as possible and to discuss any further steps that could be taken with you. If you have any additional evidence that supports your concern, please bring this with you to the meeting.

Appendix 4 – Whistleblowing Procedure

CONFIDENTIAL MEMORANDUM

To:

From:

(Designated Assessor for concerns under the College's Whistleblowing Procedure)

CONCERN ABOUT MALPRACTICE UNDER THE COLLEGE'S WHISTLEBLOWING PROCEDURE

OUR MEETING DATED:

Thank you for attending the above meeting.

I have carefully considered the allegations made by you under the College's Whistleblowing Procedure and have recommended the following action:

(please tick relevant box(es))

- to investigate the matter internally using appropriate College Managers, the Audit Committee or other investigators appointed by the College

- to report the matter to the relevant funding body

- to report the matter to the Department for Education and Skills

- to refer the matter to
(please specify relevant public authority)

- to refer the matter to the Police.