

# WHISTLE-BLOWING POLICY AND PROCEDURE

## 1. Purpose

- 1.1 To set out the Governing Body's approach to, and procedure for, dealing with concerns raised by employees.

## 2. Background

- 2.1 Employees are often the first to realise that there may be something 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. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2 The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment employees and others with serious concerns about any aspect of the College's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the College rather than overlooking a problem or blowing the whistle outside in an inappropriate way.

## 3. Aims and Scope of the Policy

- 3.1 This policy aims to:
  - (a) provide avenues for employees to raise concerns internally, as a matter of course, and receive feedback on any action taken;
  - (b) provide for matters to be dealt with quickly and appropriately, ensuring that concerns are taken seriously;
  - (c) ensure that the College continues to improve its services and provides best value;

## whistle-blowing policy and procedure 2

- (d) reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
  - (e) allow employees to take the matter further if they are dissatisfied with the Governing Body's response.
- 3.2 This policy provides details for all College employees of how to raise any concerns they may have about working practices and to whom these should be made. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment, child protection and adult abuse procedures.
- 3.3 Concerns which fall within the scope of the whistle-blowing procedure may be about something that:
- is unlawful; or
- is against the Governing Body's Standing Order or policies; or falls below established standard or practice, or amounts to improper conduct.
- 3.4 Before initiating the procedure employees should consider the following:
- (a) the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
  - (b) employees should use supervision sessions, team meetings and other opportunities to raise questions and seek clarification on issues which are of concern;
  - (c) whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- 3.5 All LA employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors and/or elected members.
- 3.6 Employees may raise concerns that fall outside the scope of the whistle-blowing procedure. Concerns raised by employees:
- (a) about their own conditions of service, should be addressed via the College's Grievance Procedure; or

- (b) on behalf of service users, should be addressed via the College's Complaints Procedure.

#### **4. Safeguards**

##### 4.1 Harassment or Victimisation

- (a) The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.
- (b) This does not mean that if an employee is already the subject of the disciplinary or redundancy procedures, that those procedures will be halted as a result of that employee whistle-blowing.

##### 4.2 Confidentiality

- (a) The Governing Body will do its best to protect an employee's identity when s/he raises a concern and does not want her/his name to be disclosed. However, it must be understood that, should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing her/his identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and, in some circumstances, the Governing Body may have to disclose the identity of the employee without her/his consent, although this will be discussed with the employee first.

##### 4.3 Anonymous Allegations

- (a) Employees are encouraged to put their names to an allegation. Allegations expressed anonymously are much less powerful and are not so effective, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised
  - the credibility of the concern

- the likelihood of confirming the allegation from attributable sources.

#### 4.4 Untrue Allegations

- (a) If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that individual.

#### 4.5 Unfounded Allegations

- (a) Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

#### 4.6 Support to Employees

- (a) It is recognised that raising concerns can be difficult and stressful. Advice and support is available via an employee's line manager, LA counselling service or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.

### **5. How to raise a Concern**

- 5.1 As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Principal, Chair of Governors, a senior LA officer, the Solicitor to the Council (as the Monitoring Officer), Internal Audit, the Chief Executive or the Executive Assistant to the Chief Executive. The latter, liaising closely with directorate HR Advisers, has a specific corporate co-ordinating and monitoring role in relation to Whistle-blowing and can be contacted on 01223 717216.

- 5.2 Concerns are better raised in writing. An employee is invited to set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put her/his concern in writing, s/he can telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.
- 5.3 The earlier an employee expresses the concern, the easier it is to take action.
- 5.4 Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 5.5 In some instances it may be appropriate for an employee to ask her/his trade union to raise a matter on her/his behalf.

## **6. The Role of Senior Managers**

- 6.1 A senior manager may be informed by an employee about concern(s), and that s/he is "blowing the whistle" within the procedure in person or in writing or over the phone.
- 6.2 The senior manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 6.3 Stage One:
- (a) At the initial meeting the senior manager should establish that there is genuine cause and sufficient grounds for the concern; and that the concern has been appropriately raised via the Whistle-blowing Policy;
- (b) The senior manager should ask the employee to put her/his concern(s) in writing, if s/he has not already done so. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide the:
- background and history of the concerns

## whistle-blowing policy and procedure 6

- names, dates and places (where possible)
  - reasons why the employee is particularly concerned about the situation;
- (c) The employee should be asked to date and sign her/his letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing;
- (d) The senior manager should follow the policy as set out above and in particular explain to the employee:
- what steps s/he intends to take to address the concern
  - how s/he will communicate with the employee during, and at the end of, the process and that a written response will be sent out within ten working days
  - that her/his identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before her/his name is disclosed
  - that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation
  - that the matter will be taken seriously and investigated immediately and that if the employee's concern, if raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
- (e) The senior manager should explain to the employee, as a matter of fact, that:
- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them

## **whistle-blowing policy and procedure 7**

- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

### 6.4 Stage Two:

- (a) Following the initial meeting with the employee, the senior manager should consult with the Principal or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions;
- (b) It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:
  - the seriousness of the issue(s) raised
  - the credibility of the concern(s)
  - the likelihood of confirming the allegation(s) from attributable sources;
- (c) In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
  - be investigated internally
  - be referred to the police
  - be referred to the External Auditor
  - form the subject of an independent enquiry by the Local Authority;
- (d) Senior managers should have a working knowledge and understanding of other College policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the College personnel advisers.

6.5 Stage Three:

Within ten working days of a concern being received, the person receiving the concern will write to the employee:

- acknowledging that the concern has been received
- indicating how s/he proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place and, if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should s/he be dissatisfied with this response and wish to raise the matter externally (see 8.1 below).

**7. Raising Concerns Outside the College**

7.1 This policy is intended to provide employees with a procedure for raising concerns and resolving these within the College. If an employee is not satisfied with the Governing Body's response, s/he may wish to raise the matter externally with:

- 'Public Concern at Work'\* on 0171 404 6609  
\*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns
- a recognised trade union
- a senior LA Officer
- the LA's External Auditor
- relevant professional bodies or regulatory organisations
- a solicitor.



- 7.2 If an employee does choose to take a concern outside the College, it is her/his responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, must not be handed over to a third party. If clarification is required on this, the advice of the Solicitor to the LA should be taken.

**8. Monitoring and Review**

- 8.1 The Principal will be responsible for monitoring the implementation and effectiveness of this policy/procedure.
- 8.2 The Principal will submit an annual monitoring report to the Governing Body.
- 8.3 The policy/procedure will be reviewed and its effectiveness evaluated annually in the light of issues raised or identified as part of the monitoring process. Revisions to the policy/procedure will be made following endorsement from the Governing Body with advice from the LA.

NB See policies on Attendance, Child Protection.