

# Capital City College Group

## Whistleblowing Policy

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## **PUBLIC INTEREST DISCLOSURE PROCEDURES (“WHISTLEBLOWING”)**

### **1. Context**

The Group is committed to an environment where it is safe and acceptable for staff to raise concerns they may have about malpractice (as defined below) if they reasonably believe it exists. It would generally be expected that the staff member attempt first to raise the issue through the normal line management processes. If they felt that the matter had not been resolved, or that it could not be resolved through that channel, they should use the Group's procedure as detailed in Point 7 of this document.

- 2. Definitions:** Whistleblowing is defined by the Group as the disclosure by a member of staff (see below) of information to a designated member of the Group which relates to malpractice – which is defined as dangerous fraudulent or other illegal conduct connected with the workplace, be it conduct by the employer or by fellow colleagues.

For the purposes of this policy “staff” is defined widely and includes employees and workers of all kinds, including agency workers and governors. Regardless of any implied or express contractual terms preventing staff from disclosing confidential information, staff are entitled to use this policy where appropriate.

### **3. The Public Interest Disclosure Act**

Under the Public Interest Disclosure Act 1998 (“the Act”) members of staff are protected against dismissal or other detrimental treatment if they make disclosures in accordance with the Act. The Act protects disclosure if the staff member is acting in the public interest and can show that he/she had a reasonable belief in one of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed or is failing or is likely to fail to comply with any legal obligation to which s/he is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of an individual has been, is being or is likely to be endangered. (It must indicate a greater danger than is associated with the normal use of the process/product, or danger that is not usually associated with it);
- That the environment has been, is being or is likely to be damaged; or
- That information tending to show any of the matters above has been, is being or is likely to be deliberately concealed.

### **4. The Group's Commitment**

This Group is committed to the right and responsibility of staff to 'whistle blow' as defined within the Act and to their protection within the framework established by the Act and included in the Employment Rights Act. This document sets out the procedure to be followed by Group staff.

### **5. The Group's Whistleblowing Policy**

This policy covers and should be used in situations where a member of staff has a reasonable belief that malpractice is present within the Group. This will include allegations of fraud, financial irregularities, corruption, bribery, dishonesty, criminal

activities, failing to comply with a legal obligation, miscarriages of justice or creating, concealing or ignoring a serious risk to health, safety or the environment.

A member of staff who is subject to the Group's disciplinary procedures or who has lodged a grievance against the Group can only use this whistleblowing policy once any such process/es has/have concluded.

## **6. Confidentiality**

Any member of staff will have the right to raise a concern under this policy. The Group will treat allegations of malpractice seriously and will investigate thoroughly any concern raised under this policy and in doing so the staff member's identity will remain strictly confidential and not be disclosed without their approval unless required for legal or regulatory purposes. The member of staff raising the concern(s) should not discuss the matter with colleagues (save with the colleague who has agreed to accompany him/her to a meeting under this policy, if applicable, on the basis that the colleague will similarly observe absolute confidentiality), or external sources other than to seek independent advice. Such advice may be obtained from the recognised trade unions in accordance with their normal procedures.

## **7. The Procedure to be followed**

- 7.1 If a member of staff has a reasonable belief that an act of malpractice (as defined above) has been, is being or is likely to be committed s/he should without delay make arrangements to discuss his/her belief with the Clerk to the Corporation who is the designated officer appointed for all whistleblowing cases. This meeting will be held in strictest confidence. The person raising the concern should do so in a constructive manner and have as many facts/documentation/information available as possible to support their disclosure of malpractice.
- 7.2 Should the allegation be against the Clerk to the Corporation, the Chief Executive, the Principal, any member of the Group Leadership Team or a Governor then the staff member should make an appointment through the Office Services Manager to set up a meeting with the Chair of the Audit Committee.
- 7.3 The designated officer or the Chair of the Audit Committee (if 7.2 above applies) will hear the allegation, and then decide on the most appropriate person/body to conduct an investigation. The designated officer or the Chair of the Audit Committee can hear the allegation with an independent witness present, if they decide that this is appropriate. The staff member may bring a colleague or someone to support them, but this must be agreed in advance of the meeting by the designated officer or the Chair of the Audit Committee, and, for the avoidance of doubt, cannot be legal representation. The Group thereby ensures that the following principles are adhered to: the source of the allegations is protected, and the Chair or the Clerk as appropriate represents an element which is independent from the Group Management Structure. Should the allegation be against the Clerk, the Principal or a member of the Senior Management Team, control of the process of investigation remains with the Chair of the Audit Committee, but other individuals may be involved in the investigation as judged appropriate by the Chair of the Audit Committee. A limited timescale will be set by the Clerk or the Chair of the Audit Committee for carrying out the investigation which will be dependent on the nature of the allegation. However, an investigation should not normally last longer than three weeks, unless there are exceptional circumstances surrounding the case.

- 7.4 Should the investigation prove to be a prolonged one the Clerk/Chair of the Audit Committee to whom the allegation was first raised will keep the concerned member of staff informed in writing as to the progress of the investigation and a likely conclusion date. All correspondence will be sent to him/her at his/her home address or personal email address or handed to him/her in person by the Clerk/Chair of the Audit Committee. The internal mail system will not be used to send correspondence.
- 7.5 Following the investigation a decision will be made as to the necessary action, to be taken as a result of the investigation's findings. The member of staff who raised the allegations will be advised of the findings and any action to be taken as a result in writing. Again all correspondence will be sent to them at their home address or personal email address or handed to them in person by the designated officer. The internal mail system will not be used to send correspondence.
- 7.6 If the outcome of the investigation finds that malpractice has occurred or was intended then the necessary action will be taken in order to address the matter. This may involve the disciplinary policy being invoked and dismissal of any wrong-doer may follow if appropriate.
- 7.7 If the investigation concludes that false and malicious accusations have been made against an individual/department and no malpractice has occurred then action will be taken against the staff member who raised the concerns. This may result in the disciplinary policy being invoked.
- 7.8 Should the staff member who raised the concerns feel that the investigation into their complaint has been handled in a unsatisfactory manner and/or returned unsatisfactory findings then s/he may refer the matter to the Chair of the Audit Committee, who will aim to resolve the concerns as soon as is practicable. If the Chair of the Audit Committee was the designated officer or led the investigation, or if the staff member remained concerned following an investigation and reference to the Chair of the Audit Committee, then the staff member may refer the matter through the appropriate channels within the Skills Funding Agency.
- 7.9 The Group will take the necessary precautions to protect staff raising concerns in line with this policy against detriment or dismissal for raising genuine legitimate concerns.
- 7.10 This policy does not prejudice the right of a member of staff to report directly to the Police in instances where there is clear and unambiguous evidence that a criminal offence has been committed or to disclose other very serious matters to appropriate external monitoring bodies if there are compelling reasons why these matters cannot be addressed internally in accordance with this policy.
- 7.11 The Clerk to the Corporation shall keep a register of any disclosures under this policy, which shall be reported at least annually to the Audit Committee.

## **8. Access to External Bodies**

If, having exhausted internal procedures, an allegation is found to be unsubstantiated; the individual raising the concern has the right to access an appropriate official and independent external body. An appropriate body might be the College's internal or external auditors, the SFA/ EFA, an MP or local Councillor. The NSPCC whistleblowing helpline is available for staff who do not feel able to raise

concerns regarding child protection failures internally. Staff can call 0800 028 0285 (8 am – 8 pm Monday to Friday) or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk) . Such a step, however, would have serious implications for the College and should only be taken after very careful consideration.