

City College Stratford

Whistle blowing Policy and Procedure

January 2024 v6

The policy merely covers

- Aim and objectives of policy
- Use of technology and Action plan

Whistle blowing Policy and Procedure

1. Scope and legal background

1.1. Employees of the College are expected to conduct College business with the highest standards of integrity and honesty. Employees are therefore encouraged to report any wrongdoing that falls short of these business principles. This policy enables employees to raise concerns about the conduct of other College staff, or of Governors, in a confidential manner.

1.2. Whistle blowing is a specific means of disclosure of information made by an individual where the individual reasonably believes that one or more of the following is happening now, took place previously, or is likely to happen in the future:

1.2.1. A criminal offence

1.2.2. A failure to comply with a legal obligation

1.2.3. A miscarriage of justice

1.2.4. Danger to health and safety

1.2.5. Damage to the environment

1.2.6. A deliberate concealment of information tending to show any of the above

1.3. This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

1.4. This policy applies to everyone who works for the college. It does not apply to students as they are covered by the students' complaints procedure. It does not form part of contracts of employment and may be amended at any time.

1.5. The College has adopted this whistle blowing policy to:

1.5.1. Provide a channel and a process for individual employees to raise concerns about any suspected wrongdoing they believe is occurring, has occurred or is likely to occur at work

1.5.2. Make serious malpractice less likely to occur (and therefore reduce the risk of public criticism and the need for crisis management)

1.5.3. Promote accountability throughout the College

1.5.4. Reassure staff that they can raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken

1.6. Employees may not always feel comfortable about discussing their concerns, especially if they believe that a member of the College management is responsible for the wrongdoing. The aim of this policy is to ensure that employees are confident that they can raise any matter in the knowledge that it will be taken seriously, treated as confidential (as far as is possible) and that no action will be taken against them unless the allegations are made maliciously. The policy also provides, if necessary, for such concerns to be raised outside the College.

1.7. This policy should not be used by members of staff who are unhappy about their own individual employment circumstances or how they have been treated at work. They should use the Grievance Procedure.

1.8. This policy should not be used for concerns about suspected fraud or other financial irregularity. Staff should raise these concerns using the Anti-Fraud Policy or Anti-Bribery Policy.

2. Confidentiality

2.1. The policy encourages individuals to give their names when making allegations. Anonymous concerns can be much less powerful but will be considered at the discretion of the Senior Management Team. In exercising this discretion the factors to be taken into account would include:

- 2.1.1. The seriousness of the issues raised
- 2.1.2. The credibility of the concern, and
- 2.1.3. The likelihood of confirming the allegation from attributable sources

2.2. All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal an individual's identity if they so wish. However, some concerns may ultimately lead to further action that requires the individual to act as a witness or provide evidence.

3. Procedure

3.1. Reporting a concern ('disclosure'):

3.1.1. In the first instance the individual should raise the issue with their line manager. They should not approach or accuse people directly or attempt to investigate the matter. Line managers may be able to agree a way of resolving the concern quickly and effectively. In some cases the line manager may refer the matter to a member of the Senior Management Team or the Administrator to the College.

3.1.2. However, where the matter is more serious, or the individual feels that the line manager has not addressed the concern, or the individual prefers not to raise it with them for any reason, they should contact:

3.1.2.1. Any member of the Senior Management Team; or

3.1.2.2. The Clerk to the Corporation

3.1.3. If the disclosure relates to the Clerk of the Corporation, the individual should contact the Chair of the Corporation.

3.1.4. An individual making a disclosure may invite their trade union representative to raise the matter on their behalf.

3.2. Investigation and outcome:

3.2.1. The person receiving the disclosure will acknowledge receipt in writing and provide an intended timetable for the investigation. They may ask another person to undertake the investigation.

3.2.2. The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

3.2.3. At any stage, the individual making the disclosure, or the person the disclosure is about, may be accompanied by a work colleague (who is not involved in the area of work to which the concern relates) or representative from one of the College's recognised trade unions. Any companions must respect the confidentiality of the disclosure and any investigation.

3.2.4. The investigator will report their findings to the person who received the disclosure, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority usually the Principal or Chair of the Corporation to set up a special internal, independent investigation or reference to some external authority, such as the police, for further investigation.

3.2.5. At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.

3.2.6. Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution.

3.2.7. An official record will be kept of each stage of the procedure.

3.2.7.1. The person deciding on the issues will report on the disclosure and subsequent actions taken

3.2.7.2. This record should be signed by the Investigating Officer and the person who made the disclosure.

3.2.7.3. Where appropriate, the formal record need not identify the person making the disclosure, but in such cases that person will be required to sign a document confirming that the complaint has been investigated.

3.2.7.4. Such reports will be kept for 6 years by the Administrator to the College.

4. External Bodies

4.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.

4.2. The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator (e.g. the Skills Funding Agency / Education Funding Agency or any successor body, Local Authority or the College's internal or external auditors)

4.3. We strongly encourage staff to seek advice from Public Concern at Work (see 1.9 above for contact details) before reporting a concern to anyone external.

4.4. Whistle blowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows individuals to raise a concern in good faith with a third party, where they reasonably believe it relates mainly to the third party's actions or something that is legally their responsibility. However, we encourage staff to report such concerns internally first. Staff should contact their line manager, or one of the other individuals set out above, for guidance.

4.5. It will very rarely, if ever, be appropriate to alert the media.

5. Malicious Accusations

5.1. If it becomes clear that the whistle blowing procedure has not been invoked in good faith (for example for malicious reasons, for personal gain or to pursue a personal grudge against another individual) this will constitute misconduct and will be dealt with in accordance with the terms of the College's Disciplinary Policy and Procedure.

6. Protection from Reprisal or Victimisation

6.1. No individual will be disciplined, or suffer a detriment, for raising a genuine and legitimate concern, providing they do so in good faith and they follow these procedures.

6.2. In the event that the individual believes they are being subjected to reprisal or victimisation as a result of their decision to invoke the procedure they must inform the Executive Director of Human Resources or another member of the Senior Management Team immediately. Appropriate action will be taken to protect them from any reprisals

7. Training

7.1. This policy and procedure is available electronically on the College's intranet.

7.2. Managers, the Clerk to the Corporation and members of the Corporation who might be involved in investigations under the procedure will be trained in its use.

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