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Scope

This Policy covers all aspects of the work of the College.

Introduction

The College management and Corporation are committed to the highest standards of openness, probity and accountability; seeks to conduct its affairs in a responsible and ethical manner; and will take any claims of malpractice seriously.

This Policy applies to employees of the College, trainees, work experience persons, agency staff, contractors, suppliers, other third parties and external bodies, regardless of whether the subject(s) of the allegation are internal or external to the College.

This policy should be read in conjunction with other College policies including

- The Fraud Policy,
- Fraud Response Plan,
- Financial Regulations,
- Corporate Hospitality policy
- Anti-Bribery Policy
- Receipt of Gifts Policy

Policy

1. What is Whistleblowing?

The Public Interest Disclosure Act, commonly referred to as the 'Whistleblowing Act' enables staff to disclose concerns they may have about serious malpractice so that those concerns can be investigated without fear of reprisals, so long as the concerns are genuine and well founded and are raised in good faith.

The Bribery Act 2010 which came into effect in July 2011 emphasises the need for robust practices to ensure against the possibility of acts of bribery and corruption which may be the subject of "whistleblowing".

It is an implied term of every contract of employment that an employee will faithfully serve his/her employer. Contracts of employment contain a clause specifically relating to the non-disclosure of confidential information about the College's affairs

This policy is not intended to cover:

- Staff concerns which relate to their personal employment situation (this should normally be dealt with under the College's Grievance procedure),
- To provide a means of review or appeal against individual management decisions unless in each case they involve some form of serious malpractice
- To generally question financial or business decisions taken by the Corporation unless these decisions fall within the definition of serious malpractice.
- Any matters which should be addressed under existing College procedures or used to reconsider any matters that have already been addressed under these procedures.

The College has policies and procedures in place to address all the circumstances set out overleaf but the Whistleblowing policy may be adopted in cases where an employee considers that serious malpractice may have or be taking place.

Serious Malpractice may be defined as (this list is not exhaustive):

- Fraud

- Financial irregularities
- Corruption and Bribery
- Dishonesty
- Miscarriage of justice
- Criminal activity or failing to comply with a legal obligation
- Creating or ignoring a serious risk to health and safety
- Breach of Health & Safety regulations
- Harm to the environment
- Unethical practices
- Negligence
- Abuse of position/authority
- Maladministration

2. When should I use the Whistleblowing procedure?

You should only use this procedure if you wish to raise genuine and legitimate concerns about serious malpractice or impropriety within the College. If you are unsure about whether the practice you have discovered is deemed serious malpractice you may wish to seek the confidential advice of the independent charity Public Concern at Work (Tel:0207 404 6609 or www.pcaaw.co.uk).

3. What should I do if I discover malpractice?

The College management and the Corporation require the matter to be raised internally in the first instance. This is so every chance is given to investigate and take appropriate action before the disclosure is in the public domain and all parties given the opportunity to act professionally and with propriety.

If you have reasonable grounds for believing that serious malpractice is happening in the College you should contact the Deputy Principal and explain the situation. A written note of your complaint will be made at this time.

If the complaint is about the Deputy Principal, the Principal or the Clerk to the Corporation the disclosure should be made to the Chair or Vice Chair of the Corporation details of whom are set out at the end of this policy.

Allegations should be dealt with quickly and efficiently. Some concerns may be resolved by agreed action without the need for further investigation.

4. Investigation

The investigation should commence as soon as is practicably possible.

The Deputy Principal will normally instigate the investigation. Dependent on the nature of the complaint the investigation may involve an external agency for advice and guidance e.g. in the case of financial malpractice/fraud the Chair of the Audit Committee and College's Internal Audit service will be contacted, where concerns relating to serious breaches of Health and Safety have been raised then the Health and Safety Executive will be approached.

On receipt of the disclosure, the person (or persons) appointed to investigate your complaint will interview you in confidence, as soon as practicable. The purpose of the interview will be

to obtain as much information as possible from you about the grounds for your belief that a malpractice has taken place, to determine the credibility evidence, and to consult with you about further steps which could be taken. This may result in other persons being interviewed and statements taken as part of the investigation.

If you do not put your complaint in writing the Investigating Officer will meet with you and take detailed written notes of your complaint and will seek to agree the contents of the notes as a correct record which you will be asked to sign.

As soon as practicable after the initial enquiries / interview, the Investigating Officer will recommend what further steps should be taken. Such recommendations may (without limitation) include one or more of the following:

- . That the matter should be reported to the Police a full and formal investigation;
- . That the matter should be reported to some other relevant authority or agency for investigation;
- . That the matter should be investigated either internally, by another senior manager of the College, by the External/Internal Auditors, or Investigators, appointed by the College;
- . That the member of staff should be given the opportunity to seek redress through the College's grievance or other internal procedures relating to staff.

If, for good reason, the investigation takes longer than 2 weeks to complete, the Investigating Officer will write to you to update you on progress.

Prior to considering informing a subject of the nature of any disclosure(s) made against them, an appropriate risk assessment should be conducted by the Investigating Officer as to whether it is appropriate and/or necessary to advise them of the allegation and, if so, at what stage. For example, if an allegation relates to a potential criminal matter, such as fraud, then advising the subject concerned without due consideration could have the potential to adversely affect any subsequent criminal investigation or result in the destruction of evidence. It is solely at the College's discretion as to if or when a subject is informed.

At the end of the process the Investigating Officer will write to you with the outcome of the investigation and on the course of action proposed. You will be asked to confirm in writing that you accept the findings. If you do not agree with the findings you should refer to the process set out in Section 8.

As a result of the investigation other internal procedures may be invoked such as disciplinary or grievance.

If you feel you have been victimised or deterred from raising your concerns this matter must be made known to the person investigating your complaint. If this is proven the matter will be treated seriously and will be regarded as a serious disciplinary offence.

5. Confidentiality

The College will treat all such disclosures in a confidential and sensitive manner. The person or persons against whom you have made an allegation will normally be told of it, the

evidence provided to support it and will be allowed to comment before further investigation is made or the action concluded.

You have the right to have the matter treated confidentially and not to have your name disclosed during the course of the investigation without your prior approval. However, the investigation process may reveal the source of the information and you may need to provide a statement as part of the evidence required.

6. Anonymous Allegations

The procedure encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously whilst much less powerful and difficult to investigate, will be considered at the discretion of the College.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

7. How will I know what is happening?

The College will endeavour to resolve the matter as quickly as possible.

You will be kept informed of the progress of the investigation, and the outcome of the investigation and any proposed action.

You will be told as far as possible and, subject to third party rights, the outcome of any action taken.

8. What if I am unhappy with the College's decision?

If you do not agree in good faith with the conclusions the investigation or any decision not to proceed with an investigation you may raise your concerns with the Chair of the Audit Committee. The Chair will consider your complaint and the investigation and advise you of his/her decision. The Chair's decision together with details of the investigation will be provided to the Audit Committee for discussion at the next scheduled Audit Committee meeting in the presence of the College's internal and external auditors. This will be treated as a confidential item

You have the right to contact the College's Internal or External Auditors but this recourse should only be used when all internal procedures have been exhausted

Under no circumstances should you talk to the media as such a step could have serious implications for the College as a whole.

9. What protection do I have if I raise a concern under this procedure?

The disclosure of confidential information in the public interest is a lawful act. The Public Interest Disclosure Act (1998) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. You cannot be disciplined for using this procedure, provided

- (a) You have followed the advice contained in the procedure
- (b) You have acted in good faith and not for personal gain or out of personal motives

In cases of referral to external bodies you may be protected under law after all internal procedures have been exhausted or it is such an extreme circumstance that you feel unable to raise the issue internally in the belief that evidence would be concealed or destroyed.

10. Malicious Accusations

If you make an allegation in good faith which is not confirmed by the subsequent investigation no action will be taken against you.

If it is proven that you have used this procedure to make false or malicious accusations without proof or evidence to support the allegation(s) you will be committing a disciplinary offence as wilful misuse of this procedure will constitute an act of gross misconduct and may lead to your dismissal.

11. Contact Details

Clerk to the Corporation
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