

### Policy/Procedure/Guideline Review

<b>Policy/Procedure/ Guideline:</b>	Whistleblowing Policy
<b>Senior Manager Responsible:</b>	Executive Director – Human Resources
<b>Author:</b>	HR Manager
<b>Approved By:</b>	Board of Corporation
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<b>Changes Made:</b>	<ul style="list-style-type: none"> <li>• Language updated to create a more open and inclusive cultural feel where people may be more inclined to raise issues</li> <li>• Changed the definition of whistleblowing and the examples of whistleblowing to make the policy more accessible</li> <li>• Changed the layout of the policy (the summary of the process is now an appendix, alongside appendices relating to submitting the initial concern and appeal)</li> <li>• Process more closely aligned to the Working Together Policy</li> <li>• Changes made to the process are highlighted on the next page:-</li> </ul>

Process changes summarised below:

<b>Old Policy</b>	<b>New Policy</b>
Complaint raised orally or in writing to line manager/SLT/Clerk to the Corp/Chair or Vice Chair of the Corp. Person in receipt of the complaint must make a written note, but there's no requirement for the member of staff raising the complaint to put this in writing.	Complaint raised using a specific pro-forma (attached as an appendix) to line manager/SLT/Chair of the Corp.
Method of investigation determined by person in receipt of the complaint and the Assistant Principal Corporate Services.	HR also informed of the complaint, and will appoint an investigating officer (usually the individual in receipt of the original complaint).
An initial meeting will be held within 10 working days of receipt of the complaint.	The investigating officer must respond to the member of staff within 5 working days of the initial complaint, providing them with a date and time for an initial meeting.
A report of findings from the investigation must be produced within 10 working days of the initial complaint being raised.	A report of findings from the investigation must be produced within 10 working days of the aforementioned meeting.*
Appeal to the Principal or Chair of the Board must be made within 10 working days of receipt of the investigation report.	Appeal to the HR team must be made within 5 working days of receipt of the investigation report.
Principal has 10 working days to make enquiries and produce a further report to confirm the outcome of the appeal.	HR team will appoint a manager more senior than the individual who investigated the complaint initially, to conduct the appeal. This individual will have 5 working days to notify the member of staff of the time and date of an initial meeting. They will then have a further 5 working days following this meeting before they need to produce a report to confirm the outcome of the appeal.

# Whistleblowing Policy

## **1. Introduction**

The College is committed to maintaining the highest standards of honesty and integrity, and is keen to address any serious issues that may arise, quickly and sensitively. Members of staff are often the first to discover issues of this nature and it's extremely important that, where this occurs, they feel able to take action and report their concerns.

## **2. Purpose**

The aim of this policy is to:

- Provide members of staff with avenues to raise concerns and receive feedback on any action taken
- Allow staff to escalate the matter if they are dissatisfied with the College's response
- Reassure staff that they will be protected from reprisals or victimisation for "whistleblowing" in good faith.

Unless there are exceptional circumstances, the time limits set out in this policy will be adhered to.

## **3. Legislative/Quality Framework**

This policy will be reviewed in line with changes to legislation and professional body recommendations, to ensure that it is consistently up to date and relevant. The main pieces of relevant legislation and regulatory documentation include:

- Public Interest Disclosures Act 1998
- PCAW "Whistleblowing Code of Practice"
- Department for Business, Innovation and Skills "Whistleblowing – Guidance for Employers and Code of Practice"
- PAS 1998:2008 "Whistleblowing Arrangements Code of Practice"

## **4. Scope**

This policy applies to all members of staff of Nelson and Colne College.

The investigation process referred to throughout this policy is coordinated by the HR Team. In instances where it would be inappropriate for the HR Team to carry out this role, for example if they were implicated in the disclosure, this role will be carried out by the Clerk to the Corporation.

## **5. Initial Considerations**

The following information provides a background into "whistleblowing":

### **5.1 Definition**

Whistleblowing occurs when a member of staff, or a group of employees, raise a concern about malpractice or wrongdoing within an organisation. The concern raised will be a matter of public interest, and usually refers to a danger or illegality that affects others, for example members of the public, although in rare cases it may also affect the member of staff raising the concern directly.

Whistleblowing is not for use to raise grievances concerning personal employment circumstances, or as appeals against decisions of management unless they specifically involve fraud, corruption or malpractice. For situations of this nature, members of staff should refer to the Grievance Policy and/or the Working Together Policy.

Instances of malpractice that may be protected under the Public Interest Disclosures Act 1998, and would therefore constitute an issue to be raised under this policy include, but are not limited to:

- Criminal offences or activities
- Fraudulent activity
- Financial mismanagement or corruption
- Physical or emotional abuse of young and/or vulnerable people
- Health and safety issues
- Failure to comply with legal obligations
- Breaches of legislation
- Risks to the environment

Members of staff should also raise concerns in line with this policy if they feel that an activity similar to those described above is being deliberately concealed.

## **5.2 Safeguarding the member of staff making the disclosure/whistleblowing**

The College 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 possible malpractice. The College will not tolerate harassment or victimisation, particularly as a result of a member of staff having made a disclosure of this nature, and will take action to protect any member of staff when they raise a concern in good faith.

The College will do its best to protect the member of staff's identity when the concern is raised if they do not want their name to be disclosed. The investigation process may, however, reveal the source of the information and a statement by the member of staff may be required as part of the evidence. If it is possible to establish the truth about allegations from an independent source the College will seek to do this.

Staff are encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful and very difficult to investigate effectively, but they will still be considered at the discretion of the College.

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

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

Ordinarily, anonymous whistleblowers will be unable to receive feedback pertaining to the investigation of the issues that they have raised.

## **5.3 Malicious or vexatious allegations**

Malicious or vexatious allegations have the potential to have a significant detrimental impact on the College's reputation. They could take the form of false allegations, trivial allegations, allegations without any substance, or allegations made persistently in order to make trouble rather than to highlight a serious issue that needs to be remedied. If a member of staff makes a malicious or vexatious allegation, disciplinary action may be taken against them.

Any member of staff who makes an allegation in good faith, even if it is not confirmed to be true through the investigation process, will be protected as per this policy

## **6. Procedural Steps**

A summary of the procedure can be found in Appendix A. Each disclosure raised may vary, but the process for dealing with each allegation will be as follows:

### **6.1 Raising the formal disclosure**

If a member of staff has a concern that they wish to raise in line with the College's Whistleblowing Policy they should complete the "Initial Disclosure Form" (Appendix B) and submit this to the most appropriate individual listed below, depending on the severity of the situation:

- Their Line Manager
- A relevant Senior Leader

- The Chair of the Corporation

Due to the potential impact that concerns raised in this manner can have, the College requests that management be given every chance to investigate and take appropriate action in the first instance, before the allegation is disclosed in the public domain.

Where the issue has been raised internally and, unless it is inappropriate to do so based on the nature of the disclosure, HR will also be made aware of the initial concern so as to facilitate the investigation and provide support to the member of staff who has “blown the whistle”.

The HR team will coordinate the investigation process and an investigating officer will be appointed, usually the individual in receipt of the initial disclosure. The investigating officer will arrange a meeting with the member of staff raising the issue in order to clarify the details before proceeding with the investigation. In normal circumstances, the member of staff will be informed in writing of the date and time of this meeting within five working days of their Initial Disclosure Form being received.

Any disclosures of this nature will be investigated thoroughly and, where possible, confidentially. Once the investigation has been completed, the investigating officer will produce a written report of their findings. Without the integrity and thoroughness of the procedure being compromised, the investigating officer will endeavour to produce this report within 10 working days of the initial meeting. Where this is not possible, for example where concerns raised are more complex in nature, the report should be completed as soon as possible thereafter.

The investigation will result in one of the following outcomes:

- The allegations are considered to be true, in which case the College will:
  - Provide the member of staff with the results of the investigation
  - Lay charges against the accused by invoking the College’s Managing Discipline Policy and, if proven, apply appropriate sanctions
  - Inform the police of any criminal activity that has taken place
- The allegations are considered to be false, in which case the College will:
  - Provide the member of staff with the results of the investigation
  - Invoke no action against the accused
  - Take disciplinary action against the member of staff who raised the initial disclosure, if this is found to have been malicious

## **6.2 Appeals procedure**

If the member of staff is not satisfied with the results of the investigation they may submit an appeal in writing to the HR Team (Appendix C) within 5 working days of receipt of the report from the investigating officer.

An appeal will be undertaken by a more senior manager than the initial investigating officer, who has not been involved in dealing with the disclosure thus far. In normal circumstances the member of staff will be notified of the date and time of a meeting with the appeal officer within 5 working days of the submission of their appeal form. The meeting will allow the appeal officer to explore the member of staff’s reasons for dissatisfaction and to consider possible resolutions.

Following the completion of any further investigation required by the appeal officer, they will reply to the member of staff within 5 working days of their appeal meeting to inform them of the outcome and describe any action that they propose to take. Where it is not possible to respond within 5 working days, this decision will be communicated as soon as possible thereafter.

The appeal will result in one of the following outcomes:

- The original decision is upheld and any outcomes outlined as part of the initial investigation remain.
- The original decision is overturned and action is taken accordingly.

At the end of this procedure, should the member of staff and the College still be unable to resolve the matter in a manner that is satisfactory to both parties, then they have the right of access to an appropriate external body.

### **6.3 External body referrals**

Access to external agencies is available where the concern refers to the Governing Body as a whole, internal procedures have been exhausted, or if the College finds the allegation unsubstantiated. At this stage the member of staff has the right of access to one of the following external bodies:

- A legal adviser in the course of obtaining legal advice;
- The Skills Funding Agency;
- Young Peoples Service;
- The Minister for Education;
- A person prescribed by the Secretary of State;
- Internal or external auditors.

### **7. Additional Considerations**

In addition to the standard procedure detailed above there are additional considerations to bear in mind:

At any point in the process, the College may report the matter to the police.

Should the member of staff raising the concern be following another College procedure (e.g. Avoiding Redundancy or Managing Discipline), this process will not halt the progress of the other procedure.

### **8. Dissemination**

This policy will be accessible to staff on the staff extranet and via Human Resources, on request.

### **9. Monitoring and Review**

The policy will be reviewed by the HR Manager and Executive Director – HR.

### **10. Related Policies/Procedures**

There are separate College policies for staff complaints concerning:

- Grievance Policy
- Managing Discipline Policy
- Working Together Policy

### **10. Management Responsibility**

The HR Manager has management responsibility for this policy within Nelson and Colne College.

## Appendix A – Process Summary

### The Whistleblowing Procedure

#### Raising the formal disclosure

Member of staff raises the disclosure with appropriate person using Initial Disclosure Form (Appendix B)

An investigating officer is appointed, usually the individual in receipt of the initial disclosure. The investigating officer will have 5 working days to respond to the member of staff and arrange a meeting to clarify information.

The investigating officer will complete a thorough and timely investigation, and will (in most cases) provide the member of staff with their report and summary of findings within 10 working days of the initial meeting.

#### Appeal

Where a member of staff is not satisfied with the outcome of the initial investigation, they may appeal using Appeal Form (Appendix C). This must be submitted within 5 days of receipt of the initial investigation report

An appeal will be undertaken by a more senior manager than the initial investigating officer, who has not been involved in dealing with the disclosure. They will have 5 working days to respond to the member of staff and arrange a meeting to clarify information.

Once the appeal officer has concluded their investigation they will supply a report to the member of staff, usually within 5 working days of the appeal meeting.

## Appendix B – Initial Disclosure Form

### Notification of disclosure under the College’s Whistleblowing Policy

Name:

Division/Department:

#### Nature of the complaint:

Please outline the nature of your complaint in sufficient detail to enable us to commence an investigation into the issues that you have raised.

#### Reason for raising under Whistleblowing Policy:

Please detail why this issue would constitute an issue of “public interest”.

Signed:

Date:

Please submit the completed form to an appropriate individual as identified in the policy, or to the HR Team.

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#### For completion by HR Team:

Date received by initial individual:

Name of investigating officer appointed:

Date of latest response to member of staff:



## Appendix C – Appeal Form

### Notification of appeal under the College’s Whistleblowing Policy

Name:

Division/Department:

#### Nature of the appeal:

Please outline the nature of your appeal including the reasons why you believe the decision to be unfair and/or why you believe the investigation was flawed.

Signed:

Date:

Please submit the completed form to an appropriate individual as identified in the policy, or to the HR Team.

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#### For completion by HR Team:

Date received by HR/Clerk to the Corporation:

Name of appeal officer appointed:

Date of latest response to member of staff