

CITY OF WOLVERHAMPTON COLLEGE

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

1. Introduction and Summary

- 1.1 Employees may be the first to realise that there may be something wrong within an organisation. However, they may not express their concerns because they feel that speaking out would be disloyal to colleagues, tutors or to the organisation. They may also fear harassment or victimisation.
- 1.2 The Public Interest Disclosure Act (PIDA) 1998, commonly referred to as the 'Whistleblowing Act', enables staff to disclose concerns they may have about malpractice so that those concerns can be investigated without fear of reprisals, so long as the concerns are genuine and have been raised in good faith.
- 1.3 The purpose of this procedure is;
- to provide a channel and process which encourages individuals to raise genuine and legitimate concerns about various types of malpractice;
 - to enable those concerns to be dealt with seriously and urgently;
 - to demonstrate the College's commitment to ensuring that the College is managed to the highest standards and is operating in the clear interests of the communities which it serves
- 1.4 Examples of malpractice include but are not limited to:
- Fraud (please refer to the Fraud Policy for a full definition)
 - Corruption and bribery
 - Financial irregularities
 - Dishonesty
 - Unethical practice
 - Criminal activity
 - Negligence
 - Risks to health and safety
 - Bullying and harassment
 - Breach of health and safety regulations
 - Harm to the environment
 - Abuse of position/authority
 - Maladministration
 - Miscarriages of Justice
- 1.5 This policy should be read in conjunction with other College policies including the Fraud Policy, Fraud Response Plan, Financial Regulations, Surveillance Policy and Disciplinary Policy.

2. Scope of the Procedure

- 2.1 This policy is not intended to cover staff concerns which relate to their personal employment situation, nor to provide a means of review or appeal against individual management decisions unless in each case they involve some form of malpractice.

3. Procedure for Raising Concerns

- 3.1 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.
- 3.2 The College has identified the Clerk to the Board of Governors as the appropriate person to whom allegations of malpractice should be made. In the event that the allegations of malpractice are to be made against the Clerk to the Board of Governors, the Vice Principal (Quality, Standards and Services) will undertake this role. For the benefit of this policy, these persons will be referred to as Designated Assessors. The Designated Assessor shall inform and consult with the Principal in all cases except where the Principal is the alleged perpetrator.
- 3.3 Matters raised under this policy will be reported to the Board of Governors or an appropriate sub-committee.
- 3.4 Any disclosure to a Designated Assessor under this procedure should, wherever possible, be in writing. However, oral disclosures may be made at the choice of the Complainant. The Complainant should provide as much supporting evidence as possible about the nature of the disclosure and the grounds for their belief that malpractice has occurred. Appendix 1 shows an example of a template that may be used for recording the details of any disclosures that are made.
- 3.5 If a disclosure is oral, the Designated Assessor will take full written notes about the alleged malpractice and will seek to agree any such notes with the Complainant as correct.

Confidentiality

- 3.6 Employees who raise their concerns will have the right to have the matter treated confidentially and will not have their name disclosed to the alleged perpetrator of malpractice without their prior approval. It should, however, be appreciated that if the investigation process is to be carried forward effectively, the Complainant's identity may have to be revealed and a statement may be required as part of the evidence.

Independent Advice

- 3.7 Alternately you may wish to raise your concern with Public Concern at Work, an independent charity whose lawyers can provide confidential advice at any stage about how to raise a concern about malpractice at work.

Trade Unions

3.8 The trade unions can also assist by informing their members of the definition of malpractice and encouraging their members to use the appropriate procedures. Concerns can also be raised through the Trade Unions.

4. The College's Response

4.1 The action taken by the College will depend upon the type of concern. The matters raised may be;

- investigated internally;
- reported to any relevant third party or other appropriate authority for investigation;
- or, any combination of the above.

4.2 If the allegation is one of fraud, the internal auditors, or others commissioned to carry out the investigation, will investigate the matter.

4.3 Allegations of malpractice will be dealt with quickly and efficiently, and within the following timescales: -

- i) The Designated Assessor to whom the concern is raised should immediately send written acknowledgement of the concern to the Complainant at their home address. Some concerns may be resolved by agreed action without the need for investigation.
- ii) The investigation should commence as soon as possible and if, at any stage during the investigation, there is evidence of criminal activity, then the police should be immediately informed.
- iii) If, for good reason, the investigation takes longer than 3 weeks to complete, the Designated Assessor will write to the Complainant who raised the issue with a progress report.
- iv) At the end of the investigative process the Designated Assessor will write to the Complainant who raised the issue with the outcome of the investigation and on the course of action proposed.

4.4 On receipt of the disclosure, the Designated Assessor to whom the concern is raised will interview the Complainant in confidence, as soon as practicable. The purpose of the interview will be to obtain as much information as possible from the Complainant about the grounds for their belief that a malpractice has taken place, to determine the credibility of the Complainant and their allegation, and to consult with the Complainant about further steps which could be taken.

4.5 As soon as practicable after the initial enquiries/interview, the Designated Assessor 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 for 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 department of the College (i.e. Human Resources), in accordance with any other prevailing policy which relates to the nature of the allegation; or, by the Internal Auditors, or Investigators, appointed by the College;
- that a member of staff should be given the opportunity to seek redress through the College's grievance or other internal procedures relating to staff.

4.6 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 College (i.e. Designated Assessor) 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 when a subject is informed.

5. Investigations

Witnesses

5.1 If there is a witness to the event a written statement should be taken by the Investigating Officer.

Physical evidence

5.2 Upon taking control of any physical evidence, it is very important that a record is made of the time and place it is taken. If evidence consists of several items, for example many documents, each one should be tagged with a reference number corresponding to the written record (without marking the original item/document) and then held securely without risk or damage or interference.

6. Dispute Resolution

Access to the Board of Governors

6.1 If the Complainant is not satisfied that their concern is being properly dealt with by the Designated Assessor, they may refer it to the Chair of the Board of Governors, if they have not already been involved in the investigation concerned.

7. External Disclosure

If, having followed this procedure, the person making the disclosure is not satisfied with the further steps decided upon, or the outcome of any such steps, he or she may raise the matter on a confidential basis directly with the police, the Skills Funding Agency, the Department for Business Innovation and Skills, a Member of Parliament or other appropriate public authority. Before taking any such action, the discloser will inform the Designated Assessor.

The person making the disclosure may also raise the matter externally, as set out in the paragraph above, if she or he has reasonable grounds for believing that he or she will be subjected to a detriment as a result of making the disclosure, or that all the available Assessors are or were involved in the alleged malpractice.

The person making the disclosure may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

8. Protection for Whistleblowers and Penalties for Abuse

- 8.1 Employees who raise genuine concerns in good faith and not for personal gain, will be protected from recrimination or harassment.
- 8.2 This protection will be extended to staff of contracting organisations with whom the College has dealings with.
- 8.3 If the outcome of the investigation is that the employee has made deliberately false and malicious accusations then the disciplinary procedure will be invoked.

9. Anonymous Allegations

- 9.1 Complainants are strongly encouraged to put their name to their concern. Concerns expressed anonymously are much less powerful, can be difficult to investigate effectively and may deprive those alleged to be guilty of malpractice of part of the means by which to defend themselves. Anonymous allegations may, however, be considered at the discretion of the College, taking into account the nature and seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.
- 9.2 Recipients of anonymous allegations should refer them to the Designated Assessor who may, after taking into account the above factors, discuss the matter, initially informally, with the Complainant of the allegation.

10. Recording, Monitoring and Review

- 10.1 It will be the responsibility of the Designated Assessor to maintain a central log, which records all referrals that are made and therefore implements a mechanism for the effective acknowledgement, monitoring and progress reporting of disclosures.

11. Review of Whistleblowing Policy

- 11.1 The Whistleblowing Policy will be reviewed periodically.

12. Contact Details

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| Clerk to the Board of Governors | 01902 317612 |
| Vice Principal (Quality, Standards and Services) | 01902 317654 |
| Public Concern at Work | 0207 404 6609 |

APPENDIX 1

WHISTLEBLOWING DISCLOSURE REFERRAL FORM

This form is to be used to record disclosures that have been received either by telephone, correspondence or in person. The completed form should be retained by the Designated Assessor and may be subject to disclosure – unless it is subsequently found that the disclosure is either malicious or without foundation.

Type of referral:

(Please tick one box)

Telephone Call

Letter

In Person / Other

Referral received by:

Referral received at:

(Location)

Referral received on:

(Date and Time)

Is the identity of the complainant known?

Yes

No

If yes provide details below:

(e.g. name of caller, address, position contact number etc.)

Details of any allegation(s)

(Provide details such as: name, location and position of subject, type and value of any malpractice alleged, any further personal details provided etc. Obtain details such as: nature of allegation, dates, source of suspicion, name of suspect(s), address, location/base of work, hours of employment.

Is correspondence attached? Yes/No

Details of person(s) under suspicion

Name:

Date of Birth:

Department / Location

Further Action Taken

Allegation registered on log by Designated Assessor Yes No

If Yes – Reference No.

Referred on to:
(other dept. and date)

Further enquiries made:
(provide brief details)

Key contact details:
(names and positions)

Agreed Action Plan (Consider: data protection request forms, obtaining relevant policies, relevant legislation, evidence to gather, persons to interview, staffing required, timescales etc.)

| | |
|-----------------|------------------------|
| Actions: | Responsibility: |
|-----------------|------------------------|

Signed by Designated Assessor:

Date:

Name: