



Whistleblowing Policy

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Requirement	ESSENTIAL
Policy Owner	DP F&R
1st Delegation	Audit
Last Delegation	CORP
Review Cycle	Every 2 years
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FAREHAM COLLEGE WHISTLEBLOWING POLICY

1. INTRODUCTION

- 1.1 Whilst there is no legal definition of 'whistleblowing' either within EU or UK law, the term has been established by the Nolan Committee to mean the confidential raising of problems within an organisation or within an independent review structure associated with that organisation. It is not defined in the sense of leaking information to the media.
- 1.2 Staff may be the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Corporation encourages staff and others with serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This Policy makes it clear that staff can do so without fear of reprisals. It is also intended to encourage and enable staff to raise serious concerns within the College rather than overlooking a problem or blowing the whistle outside.
- 1.4 The Policy applies to all groups of staff. In law, the Public Interest Disclosure Act 1998 (PIDA) provides protection to 'workers' who disclose information, in the correct manner, from dismissal or penalisation by their employers. 'Workers' has a broader definition than 'employee' and applies to individuals who:
 - (I) Are employed under a contract of employment;
 - Are employed under any other contract under which they perform personally, any work or services for another party;
 - Work or worked for a person in circumstances which:
 - he/she is or was introduced or supplied to do that work by a third person, i.e. agency workers;
 - is or was provided with work experience provided pursuant to a training course or programme or with training for employment otherwise than:
 - under a contract of employment; or
 - By an educational establishment on a course run by that establishment, i.e. students.
- 1.5 It is understood that students may also have information which should be raised in the public interest. The procedures applying to students are described in the Students Complaints Procedures and this policy will not generally apply to students;

2. AIMS AND SCOPE OF THIS POLICY

2.1 This Policy aims to:

- Provide a channel and process within which individual staff can raise genuine and legitimate concerns;
- Deter serious malpractice;
- Avoid crisis management;
- Promote accountability throughout the College.

2.2 This Policy will:

- Make it clear that malpractice is taken very seriously by the College;
- Provide details of the process by which staff may raise concerns outside the line management structure of the College, if appropriate and receive feedback on any action taken;
- Respect the need for confidentiality;
- Allow staff to take the matter further 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.

2.3 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns which fall outside the scope of other procedures, policies and codes of conduct. The concerns which may commonly give rise to whistleblowing may be something which:

- is unlawful; or
- is against the College's/Corporation's policies, or falls below established standards or practice, or
- amounts to improper conduct.

2.4 Types of concern considered under Whistle Blowing:

- Conduct which is an offence or breach of law
- Failure to comply with a legal obligation
- Health and Safety risks, including risks to the public, students, staff
- Unauthorised use of public funds
- Acts of Bribery and unethical incentives
- Possible fraud and corruption
- Sexual, physical or verbal harassment of people
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right or wrong

The above examples are not a complete list of all possible types of concerns that could come fall under a Whistle Blowing report but do offer Staff some guidance of potential subject areas.

3. SAFEGUARDS

3.1 **Harassment or Victimation**

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 malpractice. The College will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith.

3.2 If a member of staff who is already the subject of disciplinary or redundancy procedures raises a concern, those procedures will not be halted as a result of whistleblowing unless the concern relates directly to some malpractice in relation to the procedure in question. In this case, the

procedure for disciplinary or redundancy may be put on hold pending the outcome of the investigations into the concern;

3.3 Confidentiality

The College will do its best to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by an individual may be required as part of the evidence;

3.4 Anonymous Allegations

This policy encourages staff to put their name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the College.

3.5 In exercising this 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.

3.6 Untrue Allegations

If an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an individual makes malicious or vexatious allegations, disciplinary action may be taken against them.

The PIDA protects disclosure if the worker can show one or the following:

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

4. HOW TO RAISE A CONCERN

4.1 As a first step, staff should normally raise concerns with their immediate manager or senior manager.

This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If the concern involves line management, staff may make a direct approach to the Principal, Deputy Principal Finance & Resources or might find it helpful to discuss the matter with the Head of People & Culture. Concerns are better raised in writing. Staff are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If an individual does not feel able to put a concern in writing, they can telephone or meet the appropriate Manager;

4.2 The earlier a concern is expressed the easier it is to take action.

4.3 Although an individual is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

4.4 Staff may invite a trade union, or relevant professional body/individual to raise a matter on their behalf.

5. HOW THE COLLEGE WILL RESPOND

5.1 The action taken by the College will depend on the nature of the concern and its seriousness. The matters raised may:

- be referred to the Corporation;
- be investigated internally (the College Financial Regulations and Anti-Fraud/Anti-Corruption Strategy and or Fraud Response plan will be used where there are concerns regarding financial irregularity or irregularity involving College assets);
- be referred to the Internal Auditor;
- be referred to the Police;
- be referred to the External Auditor;
- form the subject of an independent inquiry;
- Be referred to any other appropriate external professional or regulatory body.
 - In order to protect individuals and the College, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
 - Some concerns may be resolved by agreed action without the need for investigation.

5.2 Within ten working days of a concern being received, the College will write to the individual:

- acknowledging that the concern has been raised;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- indicating whether any initial enquiries have been made, and
- Indicating whether further investigations will take place, and if not, why not.

5.3 The amount of contact between the people considering the issues and an individual staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

5.4 When any meeting is arranged, staff have the right, if desired to be accompanied by a trade union or professional association representative or a Fareham College colleague who is not involved in the area of work to which the concern relates.

5.5 The College will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if an individual is required to give evidence in criminal or disciplinary proceedings, the College will provide advice about the procedure.

5.6 The College accepts that individuals need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of investigations.

6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This Policy is intended to provide staff with an avenue to raise concerns within the College. If an individual is not satisfied with the outcomes and feels it is right to take the matter outside the College, the following are possible contact points:

- The College Auditors;
- Relevant professional bodies or regulatory organisations;
- Solicitor;
- The Police

A member of staff taking the matter outside the College needs to ensure that they do not disclose confidential information or that disclosure would be privileged.

7. THE RESPONSIBLE OFFICER

Whilst the Principal has overall responsibility for the maintenance and operation of this Policy, where an individual member of staff has a concern about the Principal or Deputy Principal (F&R), they may wish to raise this directly with the Corporation. In that case, they may choose to contact the Head of Governance who will make contact with the Chair of the Corporation's Audit Committee. Otherwise, the Principal will maintain a record of concerns raised and the outcomes (in a form which does not endanger confidentiality) and will report as necessary to the Corporation.