



Newbury College

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Whistle Blowing Policy

(Public Interest Disclosure)

This document can be made available in other formats,
on request

Whistle Blowing Policy

1 PURPOSE

1.1 In line with the Public Disclosure Act of 1998, this policy aims to provide staff and others with a means for raising concerns in an anonymous way about suspected malpractice. Malpractice may include the following but this list is not exhaustive:

- theft, fraud or other financial irregularity (eg misappropriation of money)
- corruption (eg bribery, blackmail) or other criminal activity
- breach of a legal or health and safety requirement
- abuse of learners

This does not include performance-related matters which are dealt with via other College procedures.

1.2 The procedure is designed to promote public confidence in the reputation of the College by providing safeguards for anyone who has a concern to raise it without fear of reprisal. It ensures that issues are taken seriously and explored fully.

1.3 The College will not tolerate harassment or victimisation of anyone raising a concern in good faith whether or not it is proven. The Act gives staff statutory protection against victimisation.

1.4 This procedure does not replace existing College procedures, including the Grievance, Complaints, Disciplinary or Health and Safety procedures, or the normal procedure for raising routine Health and Safety matters.

1.5 Members of staff who make malicious or vexatious representations under this procedure or who make external disclosures without following this policy may be subject to action under the College's disciplinary rules and procedures.

2 THE PROCEDURE

2.1 A member of staff wishing to raise a concern should do so with their line manager who will investigate or raise the concern with a Senior Manager.

2.2 If the concern is about the line manager or the member of staff feels they could be victimised and that this is a matter for the Whistleblowing Policy, they should raise the concern by writing to the Clerk to the Corporation (as the Assessor) at Newbury College.

2.3 In cases where it is alleged that the Principal is involved in malpractice, the Assessor's recommendation will be made to the Chair of the Corporation once the Chair of the Audit Committee has been informed. If the Chair of the Corporation is included in the allegations of malpractice then the Assessor's recommendations will be made directly to the external auditors.

2.4 Should the concern include allegations of malpractice against the Clerk to the Corporation, then the Chair of the Audit Committee should be contacted. If the Chair of the Audit Committee is included in the allegations of malpractice, then the College's external auditors should be contacted. Any of these may act as Assessor and are hereinafter described as such.

2.5 The Assessor will:

- i. meet with the person raising the concern to discuss the matter as soon as possible and in any case within five working days. The meeting will be in confidence but the person raising the concern may be accompanied by his/her Line Manager, or by a Trade Union representative, or by a friend who works for the College. The Assessor may be accompanied by someone for note-taking purposes;
- ii. obtain as much information as possible from the person raising the concern about the grounds for the allegation of malpractice;
- iii. consult with the person raising the concern about the further steps which could be taken;
- iv. discuss issues of confidentiality with the person raising the concern as outlined in paragraph 2.8 below;
- v. advise the person raising the concern of the appropriate route if the matter does not fall within this policy;
- vi. agree notes of the meeting with the person raising the concern;
- vii. report all matters raised under this procedure to the next meeting of the Audit Committee;
- viii. within five working days of the discussion meeting, recommend to the Principal or the Chair of the Corporation as required, one or more of the following:
 - a) the matter be investigated internally by the College;
 - b) the matter be investigated by internal or external auditors appointed by the College;
 - c) the matter be reported to the police;
 - d) that no further action be taken by the College.
- ix. Within five working days of the discussion meeting, inform the person raising the concern in writing of the recommendation that has been made.

2.6 The grounds on which the Assessor may recommend that no further action be taken include:

- i. malpractice within the definition of this procedure has not occurred nor is likely to occur;
- ii. the person raising the concern has acted maliciously in which case the Assessor must consult with the Principal or Chair of the Corporation about the necessity for appropriate disciplinary action;
- iii. the matter has already been referred for investigation by an appropriate other body such as the Skills Funding Agency.

2.7 The Audit Committee will be informed at all stages of progress with the implementation of the recommendations. The person raising the concern will be informed in writing of the outcome of any internal investigation mounted by the College within twenty-five working days of the initial meeting with the Assessor.

In exceptional circumstances the investigation may not have been concluded by that time, in which case the person raising the concern will be informed of progress to date and will be informed of the outcome when the investigation is concluded.

- 2.8 The identity of the person raising the concern will be kept confidential unless she/he otherwise consents or there are sufficient grounds for the Assessor to believe that he/she has acted maliciously. In the absence of such consent or grounds the Assessor must not reveal the identity of the person raising the concern unless:
- i. the Assessor is under a legal obligation to do so;
 - ii. the Assessor needs to obtain advice from a professionally qualified lawyer – the identity would then only be revealed on a confidential basis to that lawyer;
 - iii. the person raising the concern must give evidence at a disciplinary hearing.
- 2.9 All responses to the person raising the concern will be made in writing and will be sent to his/her home address.
- 2.10 A person who raises a concern and is dissatisfied with the response that they receive from the College should record the fact in writing to the Assessor. One further meeting with a new Assessor chosen by the person raising the concern from those listed in paragraph 2.2 will then be arranged. Once the new Assessor has made their recommendations there is no further right of appeal.

3 OTHER ISSUES

- 3.1 The procedure is written for use by College employees, learners or contractors / sub-contractors.
- 3.2 A member of staff raising a concern is entitled to consult with his/her own professionally qualified lawyer on a confidential basis during any stage of this procedure.
- 3.3 The Corporation will receive an annual report detailing any complaints under this procedure and their outcome.

Reviewed: February/June 2013, Aug 2018 (FC) – minimal change, October 2019
Next Review: October 2022

SMP&PWHISTLEBLOWING