



# Northern College

## 1. Overview

<b>Policy Title</b>	<b>Whistleblowing Policy</b>
<b>Who does the policy apply to?</b>	All College employees, including agency staff, contractors and those working under self-employed arrangements.
<b>Aims</b>	To provide guidance on what qualifies as a disclosure of wrongdoing under the Public Interest Disclosure Act, the protection that is provided by the act and the procedure for making such a disclosure.
<b>To be read in conjunction with</b>	Grievance Procedure Complaints Procedure
<b>Further advice may be sought from</b>	The Clerk to the Governors
<b>Review arrangements</b>	<p>This policy will be reviewed every three years to ensure its continuing relevance and effectiveness.</p> <p>The College may review the policy prior to this date should operational and/or legislative/guidance matters require it.</p> <p>Further details regarding revisions, the consultation and approval process and review cycle can be found at Section 14.</p>

## 2. Purpose of this Policy

- 2.1. As a member of staff you may be the first to realise that there could be wrong-doing taking place at the College. You may also be reluctant to tell anyone about it for fear of recrimination or victimisation.
- 2.2. The Public Interest Disclosure Act 1998 provides you with protection if you responsibly raise a concern about wrong-doing, this is often known as 'whistle-blowing'.
- 2.3. This policy provides guidance on what qualifies as a disclosure of wrong-doing under the Public Interest Disclosure Act, the protection that is provided by the act and the procedure for making such a disclosure.
- 2.4. The College is committed to maintaining an open culture with the highest standards of honesty and accountability, and therefore encourages all staff to report any legitimate concerns in confidence. Your concerns will be treated seriously and will be investigated thoroughly, promptly and confidentially.

## 3. What is Whistle-blowing?

- 3.1. Whistle-blowing is when someone tells their employer, a regulator, the police or the media about wrong-doing, risk or malpractice that they are aware of through their work.

#### 4. Why should I blow the whistle?

- 4.1. Whistle-blowing can inform those who need to know about health and safety risks, potential environmental problems, fraud, corruption, deficiencies in the care of vulnerable people, cover-ups and many other problems. Sometimes it is only through whistle-blowing that this information comes to light and can be addressed appropriately.
- 4.2. Under the Public Interest Disclosure Act you will be eligible for protection from victimisation or detrimental treatment if you honestly believe that what you are reporting is true, your disclosure is in the public interest and you think you are telling the right person.

#### 5. What is the difference between making a complaint and blowing the whistle?

- 5.1. When someone blows the whistle they are raising a concern about danger or illegality that affects others (e.g. students, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistle-blower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others.
- 5.2. This is very different from a complaint. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves.
- 5.3. If you have a grievance or complaint which relates to a breach of your own individual employment rights you should follow the appropriate policy e.g. grievance procedure, complaints policy.

#### 6. Who is protected by the Public Interest Disclosure Act?

- 6.1. All College employees, agency workers and those on traineeships with the College who are not employed are covered by the protection afforded by the Public Interest Disclosure Act.
- 6.2. You can also make a disclosure and receive protection after you have ceased to be employed by the College.

#### 7. What constitutes a disclosure?

- 7.1. For a disclosure to be protected by the act's provisions it must be a 'qualifying' disclosure.
- 7.2. To qualify you must have a **reasonable belief** that a failure has been, is being or is likely to be committed.
- 7.3. Your disclosure of it must be **in the public interest** and not be a personal grievance which relates just to you.
- 7.4. The disclosure must relate to a **relevant failure** which can be one or more of the following:
  - 7.4.1. Criminal offence;
  - 7.4.2. Failure to comply with a legal obligation;
  - 7.4.3. Miscarriage of justice;
  - 7.4.4. Endangering health and safety;
  - 7.4.5. Damage to environment;
  - 7.4.6. Concealing information relating to any of the above;
  - 7.4.7. Needs to be more than an assertion or an opinion.

#### 8. How to disclose

- 8.1. In order for you to be protected you have to make your disclosure in a particular way. You can make your disclosure to:

- 8.1.1. The **College** as your employer – follow the procedure at Appendix 1.
- 8.1.2. To a **prescribed person** – if you believe that the College will cover up your disclosure, treat you unfairly or hasn't addressed a disclosure you have previously made you may decide to blow the whistle to a prescribed person. You must make sure that you have chosen the correct person or body for your issue, a list is available from [www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2). If you decide to make your disclosure in this way, as well as meeting the qualifying criteria in Section 6, you must also reasonably believe that your disclosure is substantially true.
- 8.1.3. An **external body** - for example the media or the police, however in this case you must also show that the disclosure is not made for personal gain and that you have already made a disclosure to the College as your employer or believe that if you do disclose it to the College it will not be acted upon. If you report your concern to the media, in most cases you'll lose your whistleblowing law rights. If you are considering reporting your concerns to the media you are strongly advised to seek legal advice.
- 8.1.4. In cases of a failure which is of an exceptionally serious nature protection will be provided if you disclose to an external body, even if you haven't previously made a disclosure to the College as your employer.

## 9. What safeguards are provided by the Public Interest Disclosure Act 1998?

- 9.1. You will be provided with protection from detrimental treatment or victimisation from the College as your employer.
- 9.2. You will also be protected from detrimental treatment or victimisation after you cease to be an employee.
- 9.3. You will also be protected by the College from third party victimisation, reprisals or bullying of any kind against you as a result of your whistle-blowing disclosure.

## 10. Can I make a disclosure anonymously?

- 10.1. It should not normally be necessary for you to raise matters anonymously and the College encourages you to put your name to any disclosures you may make. Concerns expressed anonymously are much less powerful and are often more difficult to investigate.

## 11. Malicious Allegations

- 11.1. Deliberately false or malicious allegations will be taken very seriously and appropriate disciplinary action will be taken.

## 12. Sources of Advice

- 12.1. If you require further advice Public Concern at Work is a registered charity offering independent and confidential advice to workers who are unsure whether or how to raise a public interest concern. [www.pcaw.co.uk](http://www.pcaw.co.uk).
- 12.2. Guidance is also available from [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing).
- 12.3. Internally advice may be sought from the Clerk to the Governors.

### 13. Policy sign off and ownership details

<b>Document Name:</b>	Whistleblowing Policy
<b>Version Number:</b>	2.0
<b>Effective from:</b>	08/10/2019
<b>Next scheduled review date:</b>	December 2022
<b>Policy owner:</b>	Head of HR

### 14. Revision History

<b>Version No</b>	<b>Effective date</b>	<b>Revision description/summary of changes</b>	<b>Author</b>
2.0	08/10/2019	Clarification of contact details, addition of the chair of the Audit Committee as a designated person; clarification of the implications of reporting concerns to the media and additional source of guidance.	Vice Principal (Denise Pozorski)

## Procedure for Making a Public Interest Disclosure to the College

### 15. Raising your concerns informally

- 15.1. In the first instance consider if there is a colleague, supervisor/line manager or senior manager you can approach with your concerns, they may be able to resolve the situation without the need to use the formal procedure.

### 16. Raising your concerns formally

- 16.1. If you do need to make a formal disclosure you should raise your concerns with a designated person using the form at Appendix A. The designated people are:
- 16.1.1. The Clerk to the Governors;
  - 16.1.2. The chair of the Audit Committee;
  - 16.1.3. Mr Phil Fitzpatrick.
- 16.2. If the disclosure involves the Clerk to the Governors you should raise your concerns with an alternative designated person, who will assume the role outlined for the clerk in this procedure.
- 16.3. When making a disclosure you should include as much information as possible about:
- The nature of the wrong-doing;
  - The background (with dates if possible);
  - Who is involved;
  - The reasons why you are concerned.

### 17. What will happen next?

- 17.1. You will receive a written acknowledgement of receipt of your concerns, usually within 5 working days.
- 17.2. The Clerk to the Governors will consider the information made available to them and, in consultation with the chair of the Board of Governors and a member of the Senior Leadership Team where appropriate, will determine whether the matter falls under the Public Interest Disclosure Act 1998.
- 17.3. If they consider that the concerns don't fall under the Act and can be dealt with under other normal College procedures they will let you know.
- 17.4. If the matter does fall under the act the Clerk to the Governors, in consultation with the chair of the Board of Governors and a member of the Senior Leadership Team where appropriate, will decide on the form of investigation to be undertaken and appoint an individual with appropriate expertise and seniority to investigate.
- 17.5. The chair of the Audit Committee will be informed of all disclosures.
- 17.6. During the investigation the investigator will look into your concern carefully and thoroughly. They will be fair to you and also to anyone else involved. During the investigation they will respect any concerns you have expressed about your safety or your career.
- 17.7. The investigation may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of College staff, the College's auditors, legal or personnel advisors, the police or the Education and Skills Funding Agency.
- 17.8. Records will be kept of work and actions undertaken throughout the investigation.

17.9. Following their investigation the investigator will report to the chair of the Board of Governors, and a member of the Senior Leadership Team where appropriate, making any appropriate recommendations for action.

## **18. Representation and Support**

18.1. You may have trade union representation or support from a work colleague at any stage of your disclosure and any subsequent investigation, as long as they are not from the area of work the concern relates to. Where a representative or work colleague is involved you are under an obligation to ensure that the representative keeps the allegation strictly confidential and is not allowed to become involved in proceedings.

## **19. What timescales will be followed?**

19.1. Apart from the initial acknowledgement of your disclosure it is not possible to stipulate specific timescales due to the differing nature of investigations. However, the Clerk to the Governors will ensure that the investigation proceeds with all possible speed and that you are kept informed in writing of progress at appropriate intervals.

## **20. What will happen at the conclusion of the investigation?**

20.1. A record will be made of the nature and outcome of your disclosure. These records will be kept by the Clerk to the Governors. The purpose of this record is to ensure that a central record is kept, which can be cross referenced with other disclosures, in order to monitor any patterns of concern across the College and to assist us in monitoring the procedure.

20.2. At the conclusion of the investigation we will normally let you know, in writing, the results of our assessment/investigation and about any action that is proposed. This is subject to third party rights. Where action is not taken, you will be given an explanation.

## **21. Can I appeal?**

21.1. No, you will be provided with feedback as described in Section 17, but there is no right of internal appeal.

21.2. You are however entitled to pursue your disclosure with a prescribed person or external body as outlined in Section 7 of the policy, as long as your disclosure meets the appropriate criteria.

## **22. Confidentiality**

22.1. The College will make every effort to keep your identity confidential, if you wish this to be the case. Where this may cause difficulties, for example if you are asked to give evidence, you will be told and we will discuss the options with you first.

**Whistle-blowing Disclosure Form**

I have read the College's Whistle-Blowing Policy and Procedure and I wish to make the following disclosure.

I have/have not\* (please delete as applicable) initially raised this concern with my line manager or other appropriate manager.

Full details of my concerns are (if necessary please use an additional sheet and attach to this form):

Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

If you have given your name, please indicate whether or not you wish to meet with the designated person and/or investigator to discuss your concerns.

YES / NO\* (please delete as applicable)

Now send this completed form to the relevant designated person clearly marked "Private and Confidential – To be opened by designated person only".

Designated people are:

- The Clerk to the Governors [sjohnson@northern.ac.uk](mailto:sjohnson@northern.ac.uk);
- The chair of the Audit Committee [liz.stanley@btinternet.com](mailto:liz.stanley@btinternet.com);
- Mr Phil Fitzpatrick [philf@northern.ac.uk](mailto:philf@northern.ac.uk).