

WHISTLEBLOWING / PUBLIC INTEREST DISCLOSURE POLICY – 2020

Purpose & Scope

Furness College as a publicly funded organisation is committed to the highest standards of honesty and integrity. The College seeks to ensure that its affairs are conducted with probity and that a culture of openness exists throughout the organisation. Such a culture should help all employees, at all levels, to feel free to report genuine concerns about malpractice without fear of reprisals.

It is imperative to the Corporation that any fraud, misconduct or wrongdoing by employees of the College is reported and properly dealt with. The College therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the College is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Whistleblowing is the term used when a worker passes on information concerning wrongdoing, which is referred to as 'making a disclosure' or 'blowing the whistle'. The wrongdoing will typically (although not necessarily), be about something that they have witnessed at work.

Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things. The first is that they are acting in public interest. Secondly, the employee must reasonably believe that the disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:

- a criminal offence;
- failure to comply with an obligation set out in law;
- a miscarriage of justice;
- endangering someone's health and safety;
- an act causing damage to the environment;
- covering up wrongdoing of any of the above.

N.B. IN the public interest must be distinguished from matters which are simply OF interest to the public.

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the College's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The College encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department.

As with other procedures, the College will take disciplinary action against any employee who makes deliberately false and/or malicious accusations under this Whistleblowing Policy.

Confidential and independent advice may be obtained from Public Concern at Work telephone number 020 3117 2520 or email: whistle@protect-advice.org.uk

Policy Statement

This policy is intended to encourage and enable individuals to raise serious concerns within the College.

Individuals can make a disclosure without fear of victimisation, subsequent discrimination or disadvantage. Anyone who raises a genuine concern will have significant legal protection under the Employment Rights Act 1996, and the Public Interest Disclosure Act 1998.

The College will maintain a disclosure in line with best practice and current legislation and will not tolerate harassment or victimisation of anyone raising a concern under this procedure in good faith.

When making a disclosure, it is important that the employee is doing so is acting in good faith, and has reasonable grounds for believing that the information being disclosed indicates a case of malpractice within to the College.

It may be appropriate that disclosures made by staff under the Whistleblowing Policy will be dealt with under the Fraud and Irregularity Policy. Equally suspicions of Fraud or Irregularity reported under the Fraud and Irregularity Policy could be dealt with under the Whistleblowing Policy. A decision on the appropriate policy in any such instance will be made by the Whistleblowing Officer (Deputy Principal, Finance & Resources).

Process

Making a Disclosure

Initially concerns should be raised with the Whistleblowing Officer (Deputy Principal, Finance & Resources). This may be done orally or in writing.

If the discloser feels they cannot go to the Whistleblowing Officer, or feels their outcome is unsatisfactory, they should express their concerns in writing to the Clerk to the Corporation.

In the event of the concern being against the Principal and Chief Executive, or the Clerk, the discloser should express their concern in writing to a member of the Board of Governors, other than the Chair.

Although disclosures are not expected to provide proof of the allegation, it is required that they demonstrate reasonable grounds for concern.

Role of Whistleblowing Officer

The role of the Whistleblowing Officer is to:

- Assess whether the complaint falls within the scope of the procedure
- If, on preliminary examination, the concern is judged to be wholly without substance or merit, advise the discloser that the concern will be dismissed and the reasons why
- Advise the discloser of the appropriate route to lodge a complaint if it does not fall under the Whistleblowing Policy

How the organisation will respond

If the concern does fall within the scope of the procedure, the action taken will depend on the nature of the concern, which may include:

- Internal investigation
- Referral to the Police
- Referral to the Colleges internal auditors
- Independent Inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, the Whistleblowing Officer will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the College will have in mind is the public interest.

If an investigation is required, an Investigating Officer (IO) will be appointed. The IO will be a senior manager within the college who has had no direct association with the individual(s) whom the concern is being raised about.

Investigations may need to be carried in strict confidence initially, and the subject of the complaint may not be informed until, or if, it becomes necessary to do so (for example, this may be appropriate in cases of suspected fraud).

In carrying out their investigations, the IO will meet with the discloser, who may be accompanied by a Trade Union representative or work colleague.

It will be for the IO to decide if they need to interview anyone else as part of their investigation.

The IO will report back to the Whistleblowing Officer with the findings without unreasonable delay. If the claim is supported, the Whistleblowing Officer will take the appropriate internal or external sanctions (e.g. external sanctions would include; reporting to the police, OFSTED, Education & Skills Funding Agency, Health and Safety Executive etc. Internal would include; disciplinary proceedings, internal audit etc.).

Outcomes

The Whistleblowing Officer will confirm, in writing, the conclusion of the investigation to the person(s) whom the concern was raised against.

Subject to legal constraints and following the investigation, the Whistleblowing Officer will write to confirm the outcome in order to assure the discloser that the concern has been properly addressed. This will not however, include any details of disciplinary action, which will remain confidential between the individual(s) concerned.

If the discloser is unsatisfied with the outcome, they have the right to appeal within 5 working days of being notified of the outcome. Any such appeal so should be in writing and addressed to the Clerk to the Corporation.

This policy/procedure has been reviewed regarding the requirement for an Equality and Diversity Impact Assessment and a Privacy Impact Assessment.

At this stage it is felt that a full impact or privacy assessment is unnecessary as the college public duty has been discharged through a related policy/procedure or there is no current requirement.

Document Control		Linked Policies/Strategies	Linked Procedures
Policy	Whistleblowing	Gifts & Hospitality Policy Fraud & Bribery Policy	
Responsibility	Nicola Cove Deputy Principal F&R		
Approval Date	March 2020		
Review Date	March 2021		
Approval Group	SLT	Audit & Risk Committee	Board