

CALDERDALE COLLEGE



INSPIRING LEARNERS TO SUCCEED IN LIFE & IN WORK

**CODE OF PRACTICE AND
PROCEDURE ON 'WHISTLEBLOWING'
(PUBLIC INTEREST DISCLOSURE)**

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1.0 INTRODUCTION

Calderdale College is committed to ensuring that the business of the Board and of the College is conducted openly and with accountability. It believes that an effective way of promoting and delivering a high level of service and encouraging propriety throughout the organisation is to provide a procedure where members of the College community (employee, governor, visitor, contractor, work placement person, volunteer etc.) can confidentially raise genuine concerns about malpractice or improper actions such as bribery and breaches of the law without fear of intimidation or reprisal.

Members of the College community have both a right and a responsibility to report improper actions and/or omissions at the earliest practical stage. By these means potentially damaging, dangerous or embarrassing matters can be dealt with and resolved internally. Such an approach should aim to strike a balance between the right of the individual to speak freely on a range of matters and the right of the College or colleagues to protect themselves against false and malicious accusations.

It should be noted that “whistleblowing” is not meant to be another mechanism for members of the College community to raise personal grievances or challenge decisions, practices and policies that they don’t agree with.

2.0 DEFINITION OF “WHISTLEBLOWING”

The Public Interest Disclosure legislation, commonly referred to as the ‘Whistleblowing Act’, encourages and enables members of the College community to raise concerns or disclose information relating to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his/her fellow members of the College community.

Subject matter covered under this policy can include:

- Fraud and financial irregularities;
- Serious maladministration;
- Corruption, bribery, dishonesty or blackmail;
- Unethical activities which may be of a criminal nature’;
- Abuse of position;
- Failure to comply with legal obligations;
- Serious breaches of College’s Values, Policies and Procedures;
- Endangering or damaging the environment;
- Dangerous acts or omissions which create a risk to health, safety or the Safeguarding of individuals.

3.0 **PERSONAL GRIEVANCES**

Where a member of the College community wishes to raise a personal grievance about the conduct of a colleague or manager, this should be pursued through the appropriate College's policies and procedures. Employees should follow the **Grievance Procedure** and other members of the College community should use the **Complaints Procedure**. Members of the College community who feel they have such a grievance are recommended to seek the advice of their line manager or Human Resources Business Partner within the College.

4.0 **CONFIDENTIALITY**

Any member of the College community who raises a concern within this procedure should be assured that Calderdale College will respect their confidentiality and anonymity so far as is reasonably possible. However the investigation process may reveal the source of the information and a statement may be required from the person raising the concern.

5.0 **THE PERSON RESPONSIBLE FOR INVESTIGATING ALLEGATIONS WITHIN THE PROCEDURE**

The independent Clerk to the Corporation is identified as the person responsible for investigating allegations within this procedure. Any disclosures which fall within the definition of "whistleblowing" should be raised directly with him/her.

In the event of allegations of malpractice being made against the Clerk, the matter should be raised with the Chair of the Corporation who will then perform the role as detailed for the Clerk within this policy.

Details of how to contact the Clerk and the Chair of the Corporation are provided in **Appendix 1**.

Depending on the nature of the disclosure, the Clerk may call in internal or external audit to conduct an investigation. If there is evidence of criminal activity, the police will be informed. The Clerk will ensure that actions taken by the College to conduct an investigation will not hinder any formal investigation by the police.

6.0 **PROCEDURE TO BE FOLLOWED WHERE A MEMBER OF THE COLLEGE COMMUNITY BELIEVES THAT MALPRACTICE MAY EXIST**

6.1 The member of the College community should contact the independent Clerk to the Corporation outlining his/her concerns. A written acknowledgement of the issues raised will be sent to the discloser at their home address within three working days.

6.2 The Clerk to the Corporation or his/her nominated representative will arrange to meet the discloser to discuss the allegations. Consideration should be given to the timing, location and duration of this meeting as well as any special requirements.

The discloser may wish to be accompanied at this meeting by a friend, family member, work colleague or local trade union representative. The Clerk may be accompanied by another independent person to take notes.

The Clerk should agree with the discloser how they wish to receive further communication regarding the disclosure.

6.3 The Clerk to the Corporation or his/her nominated representative will carry out a preliminary investigation to establish the facts. He/she will assess whether the concern has foundation and if it can be resolved internally.

This preliminary investigation may identify:-

- If any further action is needed;
- If third parties need to be involved to provide further information, advice or assistance. For example other members of the College community of the College, the College's auditors, legal or personnel advisors, the police, the Department for Education (DfE) and Skills Funding Agency (SFA);
- That the College Disciplinary Procedure needs invoking;
- That the issues need to be addressed through the grievance or complaints procedure instead;
- That simultaneous lines of investigations needs to be pursued

6.4 Within two weeks the Clerk to the Corporation or his/her nominated representative will inform the discloser of the investigative measures it is intended to put in place in pursuit of the disclosure.

6.5 Dependent on the complexity of the allegations and the time required for a thorough investigation, the Clerk to the Corporation or his/her nominated representative will keep the discloser informed on the progress of the investigation.

6.6 Records will be kept of work undertaken and actions taken throughout the investigation. The Clerk to the Corporation or his/her nominated representative will consider how best to report the findings and what corrective action needs to be taken. Recommendations on corrective action will be made to the Principal unless there are reasonable grounds for not doing so,

in which case the recommendations will be made to the Chair or Vice Chair of the Corporation.

- 6.7 The Clerk to the Corporation or his/her nominated representative will provide the discloser with written confirmation of the outcome of his/her disclosure at the conclusion of the investigation, subject to third party rights.
- 6.8 If the discloser is not satisfied that his/her concern is being properly dealt with by the Clerk to the Corporation, they have the right to raise the matter in confidence with the Chair of the Corporation within 7 working days of receiving the outcome of the investigation.

7.0 ACCESS TO EXTERNAL BODIES

If, at the conclusion of the above procedure, the discloser remains dissatisfied with the results of the investigation, he/she may raise the matter to an appropriate official external body.

Such recourse should normally only be used when internal procedures have been exhausted.

An appropriate body might include for example; the College's internal and external auditors, the SFA, a local councillor or MP, the police etc. but the individual should take care not to breach any confidentiality obligations or damage the College's reputation in doing so.

8.0 MALICIOUS ACCUSATIONS

Individuals are encouraged to come forward with genuine concerns with the knowledge they will be taken seriously and without fear of adverse repercussions being taken against them.

If employees use this policy to maliciously raise false or unfounded allegations, they will be committing a disciplinary offence. This will be dealt with under the **Disciplinary Policy and Procedure** and could result in dismissal.

9.0 PROTECTION OF "WHISTLEBLOWERS" FROM VICTIMISATION OR REPRISAL.

The law protects employees from dismissal or other unfavourable treatment if they make disclosures in accordance with the **Public Interest Disclosure Act 1998** (please refer to Appendix 2).

The College will regard a “whistleblower’s” actions as legitimate where they:

- Follow the College’s procedure on “whistleblowing”
- Raise their concerns without malice and in good faith;
- Reasonably and honestly believe what they are reporting to be substantially true;
- Believe that the disclosure is made in the public interest and not for personal gain;
- Declare any personal interest in making the disclosure

If at any stage of this procedure the individual feels that they are being subject to informal pressures, bullying or harassment due to make a disclosure, they should immediately raise it with the Clerk to the Corporation. The College regards the victimisation of members of the College community who legitimately raise concerns as a serious disciplinary offence.

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APPENDIX 1

Concerns under the College's procedure on "Whistleblowing" should be raised with:

Clerk to the Corporation – Private & Confidential
Calderdale College
Francis Street
HALIFAX
HX1 3UZ

In the event of allegations of malpractice being made against the Clerk to the Corporation, the matter should be raised with the Chair of the Corporation.

Chair of the Corporation – Private & Confidential
Calderdale College
Francis Street
HALIFAX
HX1 3UZ

All correspondence addressed as above will be forwarded, unopened, to the relevant person.

APPENDIX 2

The Public Interest Disclosure Act 1998 protects the member of the College community making the disclosure of information if they reasonably believe one of 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 s/he 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 endangered;
- that the environment has been, is being or is likely to be damaged; or
- 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.

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