

Whistleblowing Policy and Procedure

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1. Purpose of this Policy

If employees bring information about a wrongdoing to the attention of their employers or a relevant organisation, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. Itchen College is committed to the highest standards of openness, probity and accountability. In line with this commitment, we encourage employees with serious concerns about the College's work to come forward and disclose those concerns. The aim of this policy and procedure is to provide staff with a means for raising genuine concerns about suspected malpractice within the College.

This policy:

- i) Provides the basis on which employees can raise any such concerns they may have, and receive feedback on action taken
- ii) Allows employees to take the matter further if they are dissatisfied with the College's response
- iii) Gives protection from reprisals or victimisation for 'whistleblowing' in good faith

2. Scope of the Policy

There are existing procedures in place to enable employees to raise grievances about their own employment. This policy is intended to cover concerns about the integrity of the operation of the College that fall outside the scope of individual grievances.

The concern may be about something that:

- Is a criminal offence
- Is against the College's financial rules or other policies
- Amounts to improper conduct
- Is a breach of a legal obligation
- Damages the environment
- Is a miscarriage of justice
- Is a danger to the health and safety of any individual
- Raises safeguarding/Child protection concerns
- Represents a deliberate attempt to conceal any of these issues

If an employee is going to make a disclosure it should be to the College or a prescribed person so that the employee's employment rights are protected. A list of prescribed persons can be viewed at www.gov.uk/government/publications/blowing-the-whistlelistofprescribed-people-and-bodies

An employee can only tell the prescribed person or body if they think their employer:

- will cover it up
- would treat them unfairly if they complained
- hasn't sorted it out and they've already told them

3. Safeguards

Itchen College recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. The College will not tolerate any ensuing harassment or victimisation and have measures in place to protect employees who raise concerns in good faith.

4. Confidentiality

Itchen College will protect the identity of employees who raise concerns and who do not want their names to be disclosed. It must be appreciated, however, that the investigation may reveal the source of the information, and statements made by those employees who raised the issue may be required as part of the evidence.

To fulfil the aims of the policy the College encourages employees to put their name to allegations made. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the College.

In exercising this discretion, the factors to be taken account of will include:

- i) The seriousness of the issue raised ii) The credibility of the concern iii) The likelihood of confirming the allegation from attributable sources

Confidentiality clauses in contracts of employment will not be applied under this procedure.

5. Untrue Allegations

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee. However, if employees make allegations that are malicious or vexatious, disciplinary action against them is likely.

6. How to Raise a Concern

The earlier employees express their concern, the easier it is to take action. Staff should raise any concerns if they reasonably feel that an act of malpractice is being committed or is likely to be committed. It is of equal importance to prevent acts of malpractice before they occur as well as reporting past or ongoing acts.

As a first step, employees should normally raise concerns with the member of the senior management team that they report to. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Employees who feel that they cannot approach the member of the senior management team in the College should approach the Deputy Principal. If the employee feels they cannot go to the Deputy Principal or any of the members of the senior management team with their concern, or they feel the outcome was unsatisfactory, then they should express their concerns in writing to the Clerk to Governors, Fiona McIntyre (fmcintyre@itchen.ac.uk). In the event of the complaint being against the Clerk, the concern should be lodged with the Chair of Governors.

Concerns are better raised in writing. This should set out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee is concerned about the situation. Concerns raised under this procedure will be treated seriously and sensitively. Where practicable, immediate steps will be taken to remedy the situation. However, the final outcome may take longer depending on the issue raised.

7. How the College will Respond

The action taken by the College will depend on the nature of the concern. The matters raised may, for example:

- Be investigated internally
- Be referred to the Police
- Be referred to the College's external auditors
- Form the subject of an independent inquiry

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 that fall within the scope of specific procedures (for example, fraud and financial irregularities, child protection or safeguarding issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within two weeks of a concern being received, the member of the senior management team or the Clerk to Governors will write to the employee who raised the issue:

- i) Acknowledging that the concern has been raised
- ii) Indicating how s(he) is proposing to deal with the matter
- iii) Giving, where possible, an estimate of how long it will take to provide a final response
- iv) Telling the employee whether further investigations will take place, and if not, why not

The amount of contact between the persons considering the issue and the employee who has raised the issue 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 from the employee.

When any meeting is arranged with the employee, they will be given the right to be accompanied by a trade union or professional association representative, or a colleague who is not involved in the area of work to which the concern relates. It should be noted that the representative's role is to support and advise the employee.

The College accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal or contractual constraints, employees will receive information about the outcomes of any investigations.

8. How the Matter can be taken Further

This policy is intended to provide employees with an avenue to raise relevant concerns within the College. Itchen College hopes that employees will be satisfied with the action taken as a result.

If employees are not satisfied, and feel it is right to take the matter outside the College, the following are possible contact points, some or all of which may be appropriate:

- External auditors (Mazars LLP)
- Relevant professional bodies or regulatory organisations (from the prescribed persons list if applicable)
- The Police
- The charity Public Concern At Work (telephone 020 7404 6609 or email helpline@pcaw.co.uk)

If employees do take the matter outside of the College, they need to ensure that they do not disclose otherwise confidential information.