

DISCLOSURE POLICY (WHISTLEBLOWING)

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| POLICY VERSION NUMBER | 1 |
| MEMBER OF STAFF RESPONSIBLE FOR POLICY | HR Manager |

| RECORD OF REVISIONS TO POLICY | | |
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| DATE | DETAILS | APPROVED BY |
| March 2015 | Two week consultation period | Staff and Union Reps |
| April 2015 | Policy finalised and added to StaffNet | Corporation and Principal |
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| Date of current policy | April 2015 |
| Date of corresponding Impact Assessment | TBC |
| Policy review date | April 2019 |
| Review to be approved by | Corporation |

BARNFIELD COLLEGE DISCLOSURE POLICY (WHISTLEBLOWING)

1.0 SCOPE AND PURPOSE

- 1.1 This policy applies to all members of staff even those as defined under the Instruments and Articles of Governance as holders of 'senior posts'.
- 1.2 This policy also applies to Corporation members of the College.
- 1.3 The purpose of this policy is to provide clear guidelines to anyone who wishes to raise a serious concern as to any type of irregularity they have witnessed or discovered.
- 1.4 This policy is also designed to ensure that anyone raising a concern is treated fairly and appropriately in line with the College's values.

2.0 INTRODUCTION AND GENERAL PRINCIPLES

- 2.1 The College is anxious that staff, suppliers and contractors raise concerns about malpractice at an early stage rather than wait for proof. Malpractice may include:
 - theft, fraud or other financial irregularity (e.g. misappropriation of money)
 - corruption (e.g. bribery, blackmail, or breach of academic standards, such as consistent and deliberate award of unjustifiably high or low marks for student work)
 - actions or omissions which have potential for loss of life or serious injury
 - criminal activities
 - breach of a legal requirement
 - causing danger to the environment

This list is neither exhaustive nor prescriptive.

- 2.2 The procedure is intended to provide safeguards for individuals to enable concerns to be raised and to maintain public confidence in the reputation of the College.
- 2.3 This procedure is not designed to replace the Grievance Procedure nor to deal with routine health and safety issues.
- 2.4 There is no such guidance in legislation about what is meant by "made in the public interest." However a staff member or an individual as described in paragraph 2.1 should be aware a disclosure will not necessary be made in the public interest merely because it conveys information which is or may be of interest to the public. The College's view is that, for the disclosure to be protected, there must be a reasonable belief by the individual making it that it is made for the public good or for the interests of society.

3.0 THE POLICY

- 3.1 Barnfield College will welcome any information which sheds light on any process, procedure or practice that could be deemed as malpractice, illegal or not upholding the values of the College as stated in the College's three year development plan. Any individual or group who raise an issue will not be subject to any sort of victimisation, harassment or coercion by any member of the College or its Corporation.

3.2 This policy is designed to offer protection to all individuals covered by this policy who disclose such concerns, provided that in the reasonable belief of the individual making the disclosure

- a) the disclosure is made in the public interest, and
- b) it tends to show conduct of a kind referred to in paragraph 2.

4.0 PROTECTION

4.1 The individual making the disclosure as set out in paragraph 3.2 will be protected from disciplinary or other action for making the disclosure if she/he makes the disclosure to the designated person (see paragraph 5). The College is forbidden by statute from penalising or dismissing a worker for making such a protected disclosure.

4.2 A staff member or individual as described in paragraph 2.1 are also protected against victimisation and harassment by their colleagues for making a protected disclosure.

4.3 Any detrimental action of any kind by any member of the College against a person for making a protected disclosure may result in disciplinary action up to and including dismissal without notice for staff and equivalent action in the case of other individuals.

4.4 Allegations which are untrue and malicious or vexatious by any individual of the College may result in disciplinary action up to and including dismissal without notice for staff and equivalent action in the case of other individuals.

5.0 The procedure

5.1 The Representor (the person raising the concern) should:

- a) Raise his/her concern with their immediate manager. This may be done orally or in writing.
- b) If the manager believes the concern to be genuine and that this procedure is the correct one to follow, they will contact the Clerk of the Corporation, hereafter described as the Assessor.
- c) Should it be alleged that the Clerk to the Corporation is involved in the alleged malpractice, the head of Human Resources should be contacted to act as Assessor.
- d) If the Representor feels unable to raise their concerns with their immediate manager in the first instance, or is dissatisfied with their line manager's response, s/he may contact a senior post holder in the second instance.
- e) If the Representor still feels that the response is inadequate then they should contact the Assessor directly.

5.2 The Assessor will:

- a) interview the Representor within five working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury.
- b) advise the Representor of the appropriate route if the matter does not fall under the College's Public Interest Disclosure Procedure.
- c) report all matters raised under this procedure to the next meeting of the Audit Committee.

- 5.3 At the interview with the Assessor, the Representor may be accompanied by a Trade Union representative, or a colleague who works for the College, or his/her line manager. The Assessor may be accompanied by a member of the College to take notes.
- 5.4 Within ten working days of the interview, the Assessor will recommend to the Principal or (if the allegation is against the Principal) the Chair of Corporation 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 Education Funding Agency or the Skills Funding Agency or its replacements or directly to the Department of Education (DfE) or other appropriate public authority.
 - d) the matter be reported to the Police.
 - e) the route for the member of staff to pursue the matter if it does not fall within this procedure.
 - f) that no further action is taken by the College.
- 5.5 The grounds on which no further action is taken include:
- a) the Assessor is satisfied that, on the balance of probabilities, there is no evidence that there is an issue within the meaning of this procedure has occurred, is occurring or is likely to occur.
 - b) the matter is already (or has been) the subject of legal proceedings under one of the College's other procedures.
 - c) the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the internal auditors, the Education Funding Agency or the Skills Funding Agency or its replacements, or the Department of Education or other public authority.
- 5.6 Should it be alleged that the Principal is involved in the alleged malpractice, the Assessor's recommendation will be made to the Chair of the Audit Committee.
- 5.7 The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Audit Committee.
- 5.8 The Representor's identity will be kept confidential unless the Representor otherwise consents. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except;
- where the Assessor is under a legal obligation to do so
 - where anonymity may hinder or frustrate any investigation
 - where the information is already in the public domain
 - on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice
 - where it is essential that the Discloser provide evidence at a disciplinary hearing or other proceedings.
- 5.9 The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty eight days.

- 5.10 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 5.11 If the Representor has not had a response within the above time limits, s/he may appeal to the Principal or Chair of Corporation, but will inform the Assessor before doing so.
- 5.12 A Representor who makes a disclosure with the requisite reasonable belief that it is made in the public interest which is either dismissed by the Assessor, or not confirmed by subsequent investigation, shall not have disciplinary or any other action taken against them for reasons of making a disclosure. It should be noted that there is unlikely to be legal protection from third parties for allegations which are defamatory.