

# **CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY**

## **1. RATIONALE**

Employees are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the college rather than overlooking a problem or "blowing the whistle" outside.

The policy applies to all employees, governors and those contractors working for the College on College premises, such as agency staff and builders. It also covers suppliers and those providing services under a contract with the College in their own premises.

## **2. POLICY STATEMENTS**

2.1 This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for staff to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- re-assure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law

- disclosure related to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the College and its neighbourhood
- the unauthorised use of public funds
- possible fraud and corruption
- abuse of students, or
- other unethical conduct.

2.3 Thus, any serious concerns that you have about any aspects of service provision or the conduct of employees of the College or Trust members or others acting on behalf of the College can be reported under the Confidential Reporting Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the College subscribes to; or
- is against the College's Articles & Instruments and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

### 3. SAFEGUARDS

#### 3.1 Harassment or Victimisation

- 3.1.1 The College is committed to good practice and high standards and wants to be supportive of employees.
- 3.1.2 The College recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and to the College as a whole.
- 3.1.3 The College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- 3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect you.

#### 3.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### 3.3 Anonymous Allegations

- 3.3.1 This policy encourages you to put your name to your allegation whenever possible.
- 3.3.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.
- 3.3.3 In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### 3.4 Untrue Allegations

If one makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## 4. HOW TO RAISE A CONCERN

- 4.1 You should raise concerns with the Principal or any other member of the senior management team, usually following an initial discussion with an appropriate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your concern relates to the actions or conduct of the Principal, you should report the matter to the Chair of the Audit Committee, via Helen Meredith [hme@woking.ac.uk](mailto:hme@woking.ac.uk).
- 4.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates);
  - the reason why you are particularly concerned about the situation.
- 4.3 The earlier you express the concern the easier it is to take action.
- 4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Principal, the Deputy Principal or the Chair of the Trustees (via the Clerk to the Trustees).
- 4.6 You may wish to consider discussing your concern with a trade union representative or workplace colleague first. You may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 4.7 You may invite your trade union representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **5. HOW THE COLLEGE WILL RESPOND?**

- 5.1 The College will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 5.2 Where appropriate, the matters raised may:
- be investigated by management, or through the disciplinary process
  - be referred to the police
  - be referred to the external auditor
  - form the subject of an independent inquiry.
- 5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made 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.
- 5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken into account before any investigation is conducted.
- 5.5 Within ten working days of a concern being raised, the responsible person (Principal or Chair of the Audit Committee) will write to you:
- acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the staff considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the College will seek further information from you.
- 5.7 Where any meeting is arranged, off-site if you so wish, a trade union representative or a friend can accompany you.
- 5.8 The College will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the College will arrange for you to receive advice about the procedure.
- 5.9 The College accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## 6. RESPONSIBLE PERSONS

The Principal has overall responsibility for the maintenance and operation of this policy. He maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trustees. The Chair of the Audit Committee is responsible for the maintenance and operation of this policy where it applies to the actions or conduct of the Principal.

## 7. HOW THE MATTER CAN BE TAKEN FURTHER?

7.1 This policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair of Trustees. If you are still not satisfied you may feel it is right to take the matter outside the College. The following are possible contact points:

- the external auditor (KPMG)
- the Education Funding and Skills Agency (EFSA)
- Ofsted
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police.

7.2 If you do take the matter outside the College, you should ensure that you do not disclose confidential information.

## 8. Further Information

The ***Public Interest Disclosure Act 1998*** is an Act to protect individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation; and for connected purposes.; a link can be found here

<http://www.legislation.gov.uk/ukpga/1998/23/introduction>

The NEU has the following publication on Whistleblowing issues and can be found here:

<https://www.teachers.org.uk/help-and-advice/self-help/w/whistleblowing>

**NOTES:**

If an individual needs to contact the Chair of the Audit Committee, Chair of Trustees, the Clerk to the Trustees will be able to advise. The Clerk is usually available in College every Tuesday and Thursday. Alternatively, you can pass a letter to the Clerk, marked 'confidential', which will then be passed to the relevant party.

Were changes made to the Policy when received? If YES complete the Partial Equality Analysis table.

Questions for all Policies Is it likely that the Policy Revision could have a negative impact:-		Please Tick Box	
		YES	NO
1.	On minority ethnic groups?		X
2.	Due to gender?		X
3.	Due to disability?		X
4.	Due to sexual orientation?		X
5.	Due to their religious beliefs (or none)?		X
6.	On people due to them being transgender or transsexual?		X
Additional questions for Policies relating to Staff Is it likely that the Policy Revision could have a negative impact:-			
7.	On people due to their age?		X
8.	On people due to their marital or civil partnership status?		X
9.	On people with dependants/caring responsibilities?		X
Date of Review	May 2018	Did you make changes?	

If YES please speak with The Assistant Principal as a full Equality Analysis may be required.

**BFR/Confidential Reporting May 2018**  
**Last Reviewed: July 2018**  
**Next Review: May 2021**