

# Whistleblowing Policy and Procedure

## 1. Introduction

- 1.1. Chichester College Group (the Group) is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of funding bodies and the standards in public life.
- 1.2. The Public Interest Disclosure Act 2013 gives legal protection to employees against dismissal or detriment, as a result of publicly disclosing certain concerns which are both serious and likely to be of wider public interest.
- 1.3. It is a fundamental term of every contract of employment that a member of staff will act in the best interest of his or her employer and not disclose confidential information about the Group's affairs. However, where an individual discovers information which he/she believes shows malpractice/wrong-doing within the organisation then this information should be disclosed without fear of reprisal, and may be made independently of line management. The right to freedom of expression is a provision of the Human Rights Act 1998.

## 2. Scope

- 2.1. This policy will apply to all members of staff of the Group.
- 2.2. The Whistleblowing policy should be used if serious malpractice is discovered within the Group, for example:
  - Fraud;
  - financial irregularity;
  - corruption;
  - dishonesty;
  - criminal activity;
  - bribery;
  - a breach or potential breach of health & safety legislation;
  - damage to the environment;
  - if there is a belief that people are being drawn into terrorism or hold extremist views under the statutory duty to Prevent;
  - or if concerns are held in relation to slavery or human trafficking within the business or supply chain.

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### 3. Safeguards

#### 3.1. Protection

This policy is designed to offer protection, including against victimisation, to any member of staff who discloses public interest information; provided the disclosure is made in accordance with the following:

- With reasonable belief that the allegation is based on correct facts and in the public interest;
- in genuine belief and not for personal gain or out of personal motives;
- the procedure has been followed.

3.1.1. Disclosures of a personal nature will not be protected. (For example, if a member of staff receives an incorrect amount of holiday pay, in breach of their contract of employment, that would constitute a matter of personal, rather than wider, interest).

3.1.2. The media is not a relevant external body and under no circumstances should members of staff talk to the media or any other person or body without first exhausting the proper procedure.

#### 3.2. Confidentiality

3.2.1. Any matter raised under this policy will be treated in strictest confidence and the identity of the individual making the allegation will not be disclosed without permission. Any investigation will be carried out discreetly and the nature of the allegations and name(s) of those implicated will not be made public.

### 4. Misuse of the procedure

4.1. If an individual wilfully misuses the procedure to knowingly make false or malicious accusations this could constitute gross misconduct and may lead to dismissal.

4.2. If an individual discloses information in an inappropriate way, for example by contacting the media, this could constitute gross misconduct and may lead to dismissal.

4.3. Whistleblowing is not to be used to raise grievances. The Group has a grievance procedure designed to resolve and redress employee grievances.

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## 5. Procedure

- 5.1. Any concerns about malpractice should always be raised internally in the first instance. Staff are advised to share the details with their line manager or Human Resources to see if it can be resolved without a formal procedure. This may be done orally or in writing. Concerns raised under the Prevent duty will be investigated by a Group Safeguarding Officer.
- 5.2. If the member of staff feels unable to discuss their concerns, or does not accept that the response at the informal stage is sufficient, they can make a formal disclosure in writing or orally, to the Clerk to the Governing Body. If the disclosure is about the Clerk it should be made to the Chief Executive Officer. If both the Clerk and Chief Executive Officer are suspected, then the Chair of the Audit Committee should be contacted.
- 5.3. Unless implicated, the Clerk will arrange for an appropriate investigation to be carried out. The method of the investigation will be determined by the Clerk in conjunction with a senior manager and will be actioned promptly in accordance with the needs of the situation. Annex A outlines the procedure for investigation of a disclosure.
- 5.4. If the Whistleblower has any concern or dissatisfaction that the investigation is not being dealt with properly, the matter should, after notifying the Clerk, be raised in confidence with the Chief Executive Officer.
- 5.5. Independent confidential advice can be obtained from the charity 'Public Concern at Work'.

## 6. Timescales

- 6.1. The Clerk or person responsible for the investigation will normally acknowledge, in writing, receipt of any concern within three working days and report to the Whistleblower on progress, the eventual outcome and any action proposed or taken. Reports may be oral or written and if written will be sent to the home address.
- 6.2. The Group will strive to resolve matters as quickly as possible.

## **7. Outcome options**

- 7.1. The Corporation is responsible for considering the allegations in the light of the evidence from the investigation and for determining the appropriate course of action. If the member of staff has concerns about the decision the matter should be discussed with the Chair of the Governing Body.
- 7.2. If there is still no satisfaction the matter should be raised with an appropriate external body or government department. For example, The Financial Services Authority or the Health and Safety Executive.

## **8. Monitoring and review**

- 8.1. The Resources Committee has the responsibility for implementing, monitoring and reviewing this policy.
- 8.2. The Director of Human Resources will submit an annual report to the Resources Committee summarising all disclosures raised and any subsequent actions taken.

## **9. Status of this policy and procedure**

- 9.1. The operation of this policy and procedure will be kept under review by the Chief Operating Officer. It may be reviewed and varied from time to time by the Resources Committee. It has been equality impact assessed to ensure that it does not adversely affect staff. If you would like to review this policy in a different format please contact Human Resources.

Late review date: December 2018

Next review date: August 2020

## Annex A

**Procedure for investigation of a whistleblowing disclosure**

1. When a member of staff makes a disclosure, the Clerk to the Governing Body will acknowledge its receipt, in writing, within a reasonable time.
2. The Group will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the Group considers that the disclosure does not have sufficient merit to warrant further action, the employee will be notified in writing of the reasons for the Group decision and advised that no further action will be taken by the Group under this policy and procedure. Considerations to be taken into account when making this determination may include the following:
  - If the Group is satisfied that the employee does not have a reasonable belief for the suspect malpractice; or
  - If the matter is already the suspect of legal proceedings or appropriate action by an external body; or
  - If the matter is already subject to another, appropriate Group procedure.
3. When a member of staff makes a disclosure which has sufficient substance or merit warranting further action, the Group will take action it deems appropriate (including action under any other applicable Group policy or procedure or external body). Possible actions could include internal investigation; referral to the Group's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
4. If appropriate, any internal investigation would be conducted by a manager of the Group without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the Group as appropriate. Depending on the seriousness of the concern raised and the seniority of the member of staff making the disclosure, it would be appropriate for a senior manager or a designated office, such as the Clerk of the Corporation to investigate the concern.
5. Any recommendations for further action made by the Group will be addressed to the Chief Executive Officer or Chair of the Group's Board of Governors, as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

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6. The member of staff making the disclosure will be notified of the outcome of any action taken by the Group under this policy and procedure within a reasonable period of time. If the member of staff is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue within ten working days with the Clerk to the Governing Body, who administers this process.
7. The Chief Executive Officer will make a final decision on action to be taken and notify the member of staff making the disclosure. The procedure encourages the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible, taking into account that different types of concerns will require varying time for the investigation.
8. All communications with the member of staff making the disclosure should be in writing and sent to the member of staff's home address, or home email address if preferred, rather than through the internal mail. If investigations into the concern are prolonged, the Group will keep the member of staff updated as to the progress of the investigation and an estimated timeframe for its conclusion.