



KIRKLEES COLLEGE

Whistleblowing Policy

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PUBLIC INTEREST DISCLOSURE PROCEDURES (WHISTLEBLOWING POLICY)

Policy Statement

Kirklees College Corporation is committed to promoting and delivering a high level of service and encouraging propriety and transparency throughout the organisation. It recognises the utmost importance of enabling staff to safely raise concerns about inappropriate behaviour, such as fraud, malpractice, maladministration, health and safety violations, criminal offences, miscarriages of justice, failure to comply with legal obligations or unethical conduct.

To facilitate this:

- Concerns will be treated confidentiality as far as practically possible;
- Concerns will be dealt with promptly and appropriate investigations and enquiries will be commenced;
- Misconduct that is identified as a result of enquires will be addressed under the College's Disciplinary Procedure;
- Those raising concerns will be kept updated with developments and any action taken, subject to legal constraints;
- Spurious or malicious claims will be dealt with and may involve disciplinary action and/or summary dismissal;
- No one will be victimised or suffer reprisals for raising legitimate concerns in accordance with this policy, either by the College or any of its other workers, managers, or directors;
- Victimisation of anyone for raising legitimate concerns in accordance with this policy will be treated as a disciplinary offence;
- Individuals will have the option of making external disclosures where they reasonably do not believe the internal procedure will suffice in a given situation;
- Anyone ordering another staff member not to speak up and raise a relevant disclosure, or ordering anyone to cover up wrongdoing will attract disciplinary action; and
- Those who raise legitimate concerns in accordance with this policy, known as 'whistleblowers', will be regarded as an asset to the College and not a threat.

This policy:

1. does not form part of any contract of employment or contract for services and may be subject to change, withdrawal or replacement at any time;
2. applies to all members of staff, including current and former employees, workers, trainees, apprentices and agency staff;
3. can be accessed via the College Intranet;
4. is the responsibility of the Independent Clerk to the Corporation ("the Clerk");
5. is to be used only after other channels for raising concerns internally have been exhausted;
6. does not cover:
 - matters relevant to the College's Disciplinary or Grievance Procedures; or
 - complaints from students, commercial partners or members of the public that do not fall within the scope of a public interest disclosure, for which the College's complaints procedures apply.

PROCEDURE ON

PUBLIC INTEREST DISCLOSURE

(WHISTLEBLOWING)

1 **Introduction**

1.1 The purpose of the College's Whistleblowing policy is:

- to provide a channel and process for individual employees to raise genuine and legitimate concerns in confidence;
- to promote accountability throughout the College
- to reassure staff that any concerns about wrongdoing will be taken seriously and they will be protected from dismissal or other detrimental treatment;
- to deter malpractice and aid the smooth running of the College;
- to avoid crisis management and public criticism; and
- to foster an open and transparent workplace, in line with the Nolan Committee Standards in Public Life.

1.2 If you are uncertain about whether something is within the scope of the policy, you should seek advice from your line manager, a trade union representative, and/or the Clerk (whose contact details are at Appendix 1).

2 **What is Whistleblowing?**

2.1 Whistleblowing (also known as making a 'public interest disclosure') is where an employee or worker reports certain types of wrongdoing.

2.2 To be a whistleblower, you must reasonably believe that the facts you are reporting are true and the disclosure you are making must be 'in the public interest', meaning it must affect others.

2.3 In the UK, whistleblowers are protected by law against dismissal or detrimental treatment as a result of reporting any of the following:

- a criminal offence, for example fraud;
- that someone's health and safety is in danger;
- a risk or actual damage to the environment;
- a breach of the law, for example misuse of personal data or failure to have insurance;
- a miscarriage of justice; or
- a belief that someone is covering up wrongdoing.

2.4 Whistleblowing is to be distinguished from raising a grievance. Grievances do not generally involve issues of public interest and usually involve a problem directly related to a person's work and conditions of employment; or the general conduct of workers which can be resolved internally.

If you wish to raise a grievance, you should use the College's Grievance Procedure and may wish to seek advice from your trade union representative.

3 **What if the wrongdoing I wish to report is also a safeguarding concern?**

3.1 The [Safeguarding Policy](#) sets out the arrangements for reporting safeguarding concerns. If you disclose information which suggests that someone has:

- behaved in a way that has harmed or may have harmed a child, young person or vulnerable adult;
- possibly committed a criminal offence against a child, young person or vulnerable adult, or related to a child, young person or vulnerable adult; or
- behaved towards a child, young person or vulnerable adult in a way that indicates s/he is unsuitable to work with children, young people and/or vulnerable adults,

the statutory guidance contained in the Department for Education publication, *Working Together to Safeguard Children 2018* and, where relevant, specific guidance given by the Secretary of State under section 175 of the Education Act 2002 will be followed, due to the specific obligations upon persons reporting concerns regarding the wellbeing of children and young people. The statutory protections for whistleblowers will still apply.

4 **Procedure**

- 4.1 It is hoped that in the vast majority of cases, concerns will be raised with line managers, personal tutors, or other senior managers. It should normally be possible to agree a way of resolving concerns quickly and effectively without using this procedure.
- 4.2 If you feel unable to draw your concern to the attention of your line manager, personal tutor or another senior manager for whatever reason, or if you feel that, having done so, your concern has not been fully addressed, you should contact the Clerk, who is independent of management and whose role is to advise Governors. If the matter relates to the Clerk, the disclosure may be addressed to the Chair of the Corporation instead (“the Chair”).
- 4.3 The Clerk (or the Chair) will follow a three stage procedure:
- Stage 1 The initial allegation;
 - Stage 2 The confidential enquiry into the allegation and the investigator’s report;
 - Stage 3 Corporation/Principal action.

5 **Stage 1**

This stage is informal, involving only the Clerk and the complainant(s).

- 5.1 Your allegations/concerns may be presented either verbally, by telephone or in writing to the Clerk or Chair, who will send you a written acknowledgement.
- 5.2 The Clerk (or the Chair) will make arrangements for an initial meeting to discuss your concern in confidence as soon as possible and normally no later than six working days from the date of first contact. You should bring to the initial meeting any evidence you have to support the disclosures you intend to make. If you prefer, you can correspond in writing or discuss the matter by telephone.
- 5.3 At the initial meeting, the Clerk will meet with you personally, outside the College if you prefer. It is not normally possible for whistleblowers to meet

with members of the Corporation, as College Governors are volunteers with limited availability and they are not trained to conduct interviews or carry out investigations. If you need to report your concern to the Chair, he or she will arrange for an impartial person to meet with you.

- 5.4 You may bring a colleague or trade union representative to any meeting under this procedure. Your companion must respect the confidentiality of your disclosure.
- 5.5 You may be asked to provide a written statement outlining your concern. Alternatively, a written summary of your concern will be provided to you following the initial meeting or telephone call, and you will be asked to confirm that it is accurate and complete.
- 5.6 The Clerk will discuss the allegation with you to ensure that other established procedures may not be more appropriate to deal with your concern.
- 5.7 The Clerk will make a written record of the agreed course of action and will provide this to you, normally within two weeks of the initial contact.
- 5.8 To ensure confidentiality, all communications and correspondence will be sent to your personal email or home address, as you prefer.

6 **Stage 2**

This stage will be the formal examination of the allegation(s).

- 6.1 The Clerk will notify the appropriate person/body, normally the Principal or the Chair, of the allegation/concern and that he/she intends to carry out an investigation. In certain cases, for example if the Principal and/or Chair are involved, the appropriate person will be the Chair of the Audit Committee.
- 6.2 The Clerk will take confidential statements and gather evidence from those involved in the allegation(s). All parties involved will have the right to representation.
- 6.3 Dependent on the nature of the allegation(s) and with the prior agreement of the appropriate person/body, the Clerk may call in internal or external auditors, or require another independent person (who may be a College staff member with relevant experience or expertise) to conduct the investigation. In the case of evidence of criminal activity, the police will be informed.
- 6.4 Dependent on the complexity of the allegation(s) and the time required for a thorough investigation, the Clerk will provide you with progress updates.
- 6.5 The Clerk will provide feedback on the completed investigation, in confidence.
- 6.6 All steps in the procedure will be carried through as expeditiously as possible but the nature of an investigation requires flexibility.
- 6.7 If you are not satisfied that your concern is being properly dealt with by the Clerk, you have the right to raise the matter, in confidence, with the appropriate person or body; their contact details will be supplied to you at the beginning of Stage 2.

- 6.8 **At any point in the process, the appropriate person/body may refer the matter to the police or other relevant statutory body if there is evidence of criminal activity or malpractice.**

7 **Stage 3 Corporation/Principal Action**

- 7.1 This stage represents the follow-up action to be taken by the appropriate person/body once the investigation report has been considered, using procedures already in place within the College or, in the case of criminal activity, referral to the police.

8 **Confidentiality and Anonymous Disclosures**

- 8.1 Anyone who raises a concern under this procedure has the right to have the matter treated confidentially and not to have their name disclosed to the alleged perpetrator of the malpractice without their prior approval, or where it is required by law. In some cases, there may be no means of pursuing an investigation without revealing the source of the information, in which case your name will be shared on a 'need to know' basis.
- 8.2 Be aware that withholding your name will not necessarily prevent others from successfully guessing who you are.
- 8.3 All discussions will operate independently of any other personnel records.
- 8.4 Anonymous information will be acted upon. However, if you choose to make an anonymous disclosure you will not be protected by the legal protections which apply to whistleblowers. The ability of the College to investigate the concern, ask follow up questions or provide feedback will also be limited if the whistleblower cannot be contacted.

9 **Whistleblower Protection**

- 9.1 The College is fully committed to the protection of whistleblowers and will not tolerate any victimisation or harassment of any whistleblower by any co-worker or manager. If you believe that you have suffered any such treatment as a consequence of making a disclosure, you should either:
- report the matter to your line manager under the Grievance Procedure; or
 - report the matter to the Vice-Principal (Corporate Services), unless he/she has been directly involved in the matter which the disclosure concerned, in which case report the matter to the Principal.
- 9.2 The College regards the victimisation of staff members who legitimately disclose malpractice as a serious disciplinary offence.
- 9.3 If you are not a member of the College staff, for example if you are employed by an external organisation, or are a student or a member of the public, you may not be entitled to statutory protection if you blow the whistle about practices within the College. Nonetheless, the College will seek to protect you if you report concerns to it, provided that, at the time of so doing, you reasonably believe that the facts you are disclosing are true.

10 **External Disclosures**

- 10.1 In most cases we hope staff will not find it necessary to refer concerns to anyone externally but the law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. The Government publishes a document entitled “Whistleblowing: list of prescribed people and bodies” which details the persons and bodies you can make a disclosure to and the main ones relevant to the FE sector are set out in Appendix 2 below. It will very rarely, if ever, be appropriate to alert the media.
- 10.2 You are strongly encouraged to seek advice before reporting a concern to anyone external, as if it is not reasonable in the circumstances to do so, you may lose your statutory protection. The independent whistleblowing charity, Protect, operates a confidential helpline. They will be able to advise you on reporting to a prescribed regulator or other external party. Their contact details are at Appendix 1.
- 10.3 Whistleblowing concerns may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, you are encouraged to report such concerns internally first.

11 **Malicious Allegations**

- 11.1 The College regards the malicious raising of false and unfounded allegations as a serious matter, which will be dealt with under the **Disciplinary Procedure**. Where a malicious allegation is made externally, this would involve the offence of bringing the College into disrepute.
- 11.2 In the case of malicious allegations, the Clerk will report the matter to the Principal, who will initiate the College’s disciplinary procedures.

12 **If you are not Satisfied**

- 12.1 It is not possible to guarantee any particular outcome but the College will try to deal with any concerns that you disclose fairly and in an appropriate way. By using this procedure, you can help to achieve this.
- 12.2 It is hoped that you will be satisfied with any action taken. If you are not happy with the way in which your disclosure is handled or the outcome, you should address any complaint to the Chair, or the Chair of the Audit Committee if your complaint is about the Chair.

J Green
Independent Clerk to the Corporation

KIRKLEES COLLEGE

PUBLIC INTEREST DISCLOSURE PROCEDURES (WHISTLEBLOWING POLICY)

The person with whom concerns should be raised under the College's procedure on Whistleblowing is:

Joanna Green
Clerk to the Corporation, Kirklees College, Huddersfield Centre

Telephone: 07738 973 114; JGreen08@kirkleescollege.ac.uk

The Chair of the Corporation is Mr Gerard Hetherington, who can be contacted through the Clerk or by email at GHetherington@kirkleescollege.ac.uk

The whistleblowing charity Protect (formerly 'Public Concern at Work') can be contacted for advice

Telephone 020 3117 2520 (* option 1); whistle@protect-advice.org.uk

Secretary of State for Education (also the Charity Regulator for the FE sector)

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0370 000 2288

Website: www.gov.uk/contact-dfe

Office of Qualifications and Examinations Regulation (Ofqual)

Whistleblowing and Malpractice Complaints investigation manager
Ofqual
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

Tel: 0300 303 3344

Email: whistleblowing@ofqual.gov.uk

Online form: www.smartsurvey.co.uk/s/ofqual-whistleblowing/

Financial Reporting Council Limited and its conduct committee

Contact them about matters relating to:

- Statutory Audit in the UK (including oversight, monitoring and enforcement)
- Compliance with the requirements of accounting and reporting legislation

PIDA Officer
Financial Reporting Council
8th Floor
125 London Wall
London
EC2Y 5AS

Tel: 0207 492 2305

Email: whistleblowing@frc.org.uk

Website: www.frc.org.uk

Competition and Markets Authority

Contact them about matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers; or about competition affecting markets in the UK.

Competition and Markets Authority
Victoria House
37 Southampton Row
London
WC1B 4AD

Tel: 020 3738 6000

The Information Commissioner

Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information.

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
Tel: 0303 123 1113

Email: casework@ico.org.uk

Website: www.ico.org.uk

The Environment Agency

Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment.

National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

Tel: 03708 506 506

Website: www.gov.uk/environment-agency

Equality and Human Rights Commission

Contact them about compliance with legislation relating to equality and human rights.

Equality and Human Rights Commission
Correspondence Unit (Whistleblowing)
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Tel: 0161 829 8100

Email: whistleblowing@equalityhumanrights.com

Website: www.equalityhumanrights.com/whistleblowing

The Health and Safety Executive

Contact them about:

- the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998;
- the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

Tel: 0300 003 1647

Online form: www.hse.gov.uk/contact/concerns.htm