

EASTLEIGH COLLEGE

WHISTLEBLOWING PROCEDURE

Introduction

Under the Public Interest Disclosure Act 1998 (PIDA), which came into force at the end of 1998, “whistleblowers” are protected from victimisation and unfair dismissal.

“Whistleblowing” is making a disclosure in the public interest or disclosure by an employee of confidential information which relates to some danger, fraud or other illegal, improper, unethical, or negligent conduct connected with the workplace, and which is not appropriate to be dealt with through normal line management channels or the financial irregularity procedures. The perpetrator of the malpractice is generally a fellow employee or the employer. Eastleigh College is committed to ensuring that malpractice, fraud or corruption is never tolerated within the College and has therefore adopted the following procedure to enable any employee who has concerns about malpractice to raise these concerns and have them fully investigated. This procedure should not be used for raising grievances about a personal employment situation. The malpractice may have occurred in the recent past or be likely to happen in the future. It must be revealed to the right person in the right way to ensure whistleblowing protection. Whistleblowers must:-

- Make the disclosure in good faith, reasonably believing that the information is substantially true.
- Make the disclosure to the appropriate person as set out in this procedure, either the Clerk to the Board or the Chief Executive & Principal.

ALLEGATIONS COVERED BY THIS PROCEDURE

Eastleigh College will ensure the proper investigation of any allegation about:

- criminal activities or failing to comply with a legal obligation
- maladministration
- dishonesty
- corruption or bribery
- fraud
- financial irregularity
- actions which are contrary to the College code of ethics
- creating or ignoring a serious risk to health, safety or the environment
- failure to investigate allegations of sexual assault by one employee against another
- failure to investigate allegations of bullying or harassment

PROCEDURE

1. Reporting procedure

- 1.1 If an employee has any concerns or complaints about malpractice as covered by this procedure they should as soon as reasonably possible report these concerns to the Clerk to the Board.
- 1.2 If such concerns involve the Clerk to the Board then the matter should be reported to the Chief Executive & Principal.

2. Investigation of concerns

- 2.1 The Clerk to the Board will record the details of the complaint. The employee may ask for their disclosure to be treated in confidence and if they do so the Clerk will be responsible for ensuring the confidentiality of the disclosure and the anonymity of the employee, (except where there is a legal obligation to disclose the complaint to the police). Further correspondence with the employee on this matter will be in writing to his/her home address.

- 2.2 The matter will be investigated promptly by the Clerk who will be accompanied by a note taker unconnected with the matter. The Clerk to the Board may request assistance from an SMT member unconnected with the matter if he/she deems it necessary. The employee will be kept informed of progress by the Clerk.
- 2.3 Where an investigation finds no evidence of malpractice or the irregularity is insignificant and unintentional, then this will be communicated back to the originator of the complaint. The Chief Executive & Principal will be informed that an investigation has taken place and the outcome but will not be notified of the name of the complainant. The records relating to the report and investigation will be held confidentially by the Clerk for a period of two years before being destroyed.
- 2.4 Where an investigation identifies a serious cause for concern then the Clerk will report the matter to the Chief Executive & Principal and Chairperson of the Board, except where the Chief Executive & Principal is the subject of the investigation, with a recommendation for appropriate action. Such action may include disclosure of any suspected criminal activity to the police, or the ordering of a more detailed investigation by internal or external audit, as well as appropriate disciplinary action.
- 2.5 Where an investigation identifies a serious cause for concern involving the Chief Executive & Principal, then the Clerk will report the matter to the Chairperson of the Board and the Chairperson of the Audit Committee. The Governors will then seek legal advice if necessary and/or advice from the Education & Skills Funding Agency (ESFA) if appropriate, in considering what action to take.
- 2.6 The outcomes of the investigation and the agreed action will be reported back to the originator of the complaint. They will also be informed if it becomes necessary to disclose their identity to the police or other official body during any formal proceedings.
- 2.7 At any stage of the procedure an employee with a declared disability may make a request for additional support ,eg written documents in different fonts/languages or text. This will include in the case of those employees with a hearing impairment the attendance of an independent interpreter or use of a loop system at any meetings.
- 2.8 All reasonable steps will be taken to maintain confidentiality and written records of any proceedings shall be kept and maintained by the Clerk in accordance with the Data Protection Act 2018.
- 2.9 In the interest of ensuring that investigations are resolved in a timely and consistent manner, investigations will take place within 21 days of the Clerk receiving the allegation. Allegations relating to incidents occurring more than 3 month's ago will only be investigated at the discretion of the Clerk. Due regard will be given to the personal circumstances of all parties involved in the procedure. In particular where an employee has a religious commitment, this will be honoured in accordance with legislation.

3. Protection of individuals

- 3.1 Employees who raise genuine concerns will be protected from recrimination or harassment and will be guaranteed as much confidentiality and anonymity as possible. The victimisation of employees or deterring them from raising a concern about fraud or corruption is a serious disciplinary offence which will be dealt with in accordance with the disciplinary procedure.
- 3.2 The College will view very seriously any instance involving frivolous or malicious allegations and will take disciplinary action in appropriate cases.
- 3.3 These procedures may involve if necessary contractors with whom the College has a business relationship if the Clerk decides this is appropriate. The Clerk may at his discretion request assistance from the College's Compliance Team in this regard.
- 3.4 Students who may raise complaints through the student complaints procedure will be afforded the same protection from recrimination or harassment.

4. Access to the governing body or external bodies

- 4.1 If an employee is not satisfied that their concern is being properly dealt with by the Clerk to the Board then they have the right to raise it in confidence with the Chief Executive & Principal, Chairperson of the Audit Committee or Chairperson of the Board.
- 4.2 If an employee feels that, having exhausted the internal procedures and having brought the matter to the attention of members of the governing body, the matter is still not being properly dealt with, then they have the right to access to an appropriate official external body. An appropriate outside body would be the College's internal or external auditors or the SFA.

This Procedure will be reviewed two-yearly by SMT, and if changes are made, by the Finance & General Purposes Committee.

Reviewed by VPFFMI 15 October 2020 – no changes proposed
Reviewed and approved – no changes proposed by SMT 06.11.20
Approved by Finance and General Purposes Committee – 18.11.20