

Public Interest Disclosure ‘Whistleblowing’ Policy Advice and Instructions

The term ‘whistleblowing’ has no legal definition within EC or UK law; however, it has been used to describe incidents where an employee (which for these purposes includes not only employees but workers and other staff members) reports some alleged wrongdoing within an organisation.

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects ‘whistleblowers’ from detrimental treatment, i.e. victimisation or dismissal, for raising concerns about matters they reasonably believe to be in the public interest.

This statement sets out the college's Policy and provides in some detail advice and guidance to staff on the scope of the Policy. It explains that a member of staff, who has a reasonable belief that serious malpractice relating to any of the protected matters specified in the Policy has occurred or is likely to occur, may raise a concern under the procedure agreed by the Council and which is described in this statement. There is also information about the rights of staff to raise the matter externally and the protection afforded to them if they choose to do this.

The purpose of this policy is to provide a means by which staff are enabled to raise concerns with the appropriate college authorities if they have reasonable grounds for believing serious malpractice has occurred or is likely to occur. The college encourages staff to raise matters of concern responsibly through the procedures laid down in this policy statement.

The policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest and which fall outside the scope of other college policies and procedures. The policy is not intended to apply to personal grievances concerning an individual's terms and conditions of employment, or other aspects of the working relationship, complaints of bullying or harassment, or disciplinary matters.

The policy may be used to deal with specific concerns which are in the public interest and specifically where a staff member has a reasonable belief that one of the following has occurred or is likely to occur:

- a criminal offence
- failure to comply with legal obligations
- financial or non-financial maladministration or malpractice or impropriety or fraud
- academic or professional malpractice
- a risk to the health or safety of any individual
- environmental damage
- a miscarriage of justice
- attempts to suppress or conceal any information relating to any of the above.

If in the course of investigation any concern raised in relation to the above matters appears to the investigator to relate more appropriately to a grievance, bullying or harassment, or discipline, those procedures will be invoked, instead of or, where appropriate, in addition to this procedure.

Who can raise a concern?

Any member of staff who has a reasonable belief that there is serious malpractice relating to any of the protected matters specified above, may raise a concern under the procedure detailed paragraph

below. The issues raised under the protected list may relate to another member of staff, a group of staff, the individual's own Institution or another part of the College. The individual must reasonably believe that the relevant failure or malpractice has occurred or is likely to occur and that matter is in the public interest. The college will ensure that any member of staff who makes a disclosure in such circumstances will not be penalised or suffer any adverse treatment for doing so. However, a member of staff who makes an allegation maliciously or vexatiously without having reasonable grounds for believing that the relevant failure or malpractice has occurred or is likely to occur and that the matter is in the public interest may be subject to disciplinary proceedings.

In view of the protection afforded to a member of staff raising a concern about matters they reasonably believe to be in the public interest, it is hoped that individuals will feel able to put his/her name to any disclosure. The identity of the person raising the matter will be kept confidential, if so requested, for as long as possible if this is compatible with a proper investigation. Proper investigation may be more difficult or impossible if further information cannot be obtained from the person raising the complaint. It is also more difficult to establish whether any allegations are credible.

Anonymous complaints will be investigated and acted upon as the person receiving the complaint sees fit, having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

Procedure

In many cases it will be appropriate for the member of staff to raise any concerns informally with their line manager in the first instance, either in person or in writing at info@klabtrainingcollege.com. It may be possible to agree a way of resolving the concern quickly and effectively. However, where the matter is more serious, or the member of staff feels that their line manager has not addressed the concern, or they prefer not to follow that informal step for any reason, they should contact one of the following: The college director) Tel.07533069778

Email: khadijah@klabtrainingcollege.com

The person to whom the disclosure is made will decide whether the matter should be dealt with under this procedure. If he or she considers that the matter should be dealt with under a different College procedure, s/he will advise the person making the disclosure as to the appropriate steps which should be taken.

Process

The person to whom the disclosure is made will normally consider the information and decide whether there is a prima facie case to answer. He or she will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be:

- investigated internally
- referred to the External Auditors
- the subject of independent enquiry

Some matters will need to be referred to the relevant outside body, e.g. the Police, Funding Council. If the person to whom the disclosure is made decides not to proceed with an investigation, the decision will be explained as fully as possible to the individual who raised the concern.

Investigation

Any investigation will be conducted sensitively and promptly. The employee will be notified of the intended timetable for the investigation. The person to whom the disclosure is made may authorise an initial investigation to establish the relevant facts. The investigator will report his or her findings to the person to whom the disclosure was made, who will then decide if there is a case to answer and what steps, if any, should be taken. This may include setting up a special internal independent investigation or reference to some external authority, such as the police, for further investigation. The decision may be that the matter would be more appropriately handled under existing procedures for grievance, bullying and harassment, or discipline. Where a disclosure is made any person or persons potentially implicated in wrongdoing will be told at an early stage of it and of the evidence supporting it, and they will be allowed to respond. Should an investigation or referral lead the appropriate college authority to conclude there has been a breach of college discipline, the member or members of staff responsible may, in addition to any civil or Whistleblowing Policy criminal proceedings, be subject to disciplinary action in accordance with the appropriate disciplinary procedures for the relevant category of staff. The individual making the disclosure will be informed of what action is to be taken where possible although the need for confidentiality means it may not be possible to share some of the details including, for example, specific information about any disciplinary action taken against another member of staff. Staff should treat any information about the disclosure, the investigation, or its outcome as confidential. If an individual is not happy with the way in which their concern has been handled or the outcome, it is open to the individual to raise this with one of the other persons specified above.

Records

An official written record will be kept of each stage of the procedure

A report of all disclosures and subsequent actions taken will be made by the persons deciding on the issues. This record should be signed by the Investigating Officer and the person who made the disclosure and dated. Where appropriate the formal record need not identify the person making the disclosure, but in such a case that person will be required to sign a document confirming that the complaint has been investigated. Such reports will normally be retained for at least five years.

The college acknowledges the difficult choice a member of staff may have to make in raising a concern. As the issues that prompt the concern are likely to be complex, how the member of staff proceeds with his or her concern will vary from situation to situation.

Complaints under this policy will usually relate to the conduct of college staff, but they may sometimes relate to the actions of a third party. In some circumstances the law will also protect staff who raise the matter with the third party directly. However, the college encourages reporting such concerns internally first.