# Whistleblowing Policy and Procedure

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PUBLIC INTEREST DISCLOSURE PROCEDURES
(WHISTLEBLOWING POLICY)

Policy Statement

Wirral Met College believes that an effective way of promoting and delivering a high level of service and encouraging propriety and transparency throughout the organisation is to enable staff to raise concerns internally in confidence about inappropriate behaviour in the operation of the College. This policy covers fraud, malpractice, maladministration, health and safety violations, criminal offences, miscarriages of justice, failure to comply with legal obligations or unethical conduct.

The policy:

- Applies to all members of staff, including workers, contractors, trainees, agency staff and apprentices engaged by the College.
- Can be accessed via the College Intranet
- Is the responsibility of the Independent Clerk to the Governors

NB The policy does not cover:

- matters relevant to the College’s Disciplinary and Grievance Procedures,
- complaints from students 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.

Anonymous information will be acted upon. However, the ability of the College to ask follow up questions or provide feedback will be limited if the whistleblower cannot be contacted.

Workers who make a disclosure anonymously should be aware that this can mean that it is more difficult for them to qualify for protections as a whistleblower as there would be no documentary evidence linking the worker to the disclosure.

Students or members of the public who make a complaint that falls within the definition Public Interest Disclosure will be afforded the same level of confidentiality and protection as that given to a member of staff.
PROCEDURE ON
PUBLIC INTEREST DISCLOSURE
(WHISTLEBLOWING)
1 **Introduction**

The Nolan Committee on Standards in Public Life recommended that publicly funded bodies should institute Codes of Practice on what is commonly termed “whistleblowing”.

Wirral Met College Corporation believes that an effective way of promoting and delivering a high level of service and encouraging propriety throughout the organisation is to have a policy enabling staff to raise concerns internally in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, failure to comply with legal obligations or unethical behaviour. By these means, potentially damaging, dangerous or embarrassing matters can be dealt with and resolved internally. Such an approach aims to strike a balance between the need to engender a culture of openness, the right of an individual to speak freely on a range of matters and the right of the College or colleagues to protect themselves against false and malicious accusations.

The purpose of the procedures is not to encourage complaints where they do not exist, but to re-emphasise the Corporation’s commitment to transparency and propriety throughout all aspects of College life. The Policy should not be used to question the College’s strategic, financial or business decision-making.

2 **Definition of Whistleblowing**

Currently, the most accepted definition of public interest disclosure or whistleblowing is:-

“the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct committed within the workplace, be it by the employer or his fellow employees or other related third parties”.

The disclosure must be one that is “in the public interest” and may include:-

- Fraud and financial irregularities
- Serious malpractice or maladministration arising from the deliberate commission of improper conduct
- Unethical activities which may be of a criminal nature
- Dangerous acts or omissions which create a risk to health, safety or the environment

The advantages of such procedures are:-

- Providing a channel and process for individual employees to raise genuine and legitimate concerns in confidence
- Promotion of accountability throughout the College
- A deterrent to malpractice
- Avoidance of crisis management and public criticism
- Providing protection against any victimisation of the whistle-blower by the employer or co-worker(s)

The procedures are not designed to:-

- Replace existing recognised procedures
- Be used to raise grievances about an individual’s employment situation
- Where an employee wishes to raise a personal grievance about the conduct of a colleague or manager, this should be pursued through the **College’s Grievance**
Procedures. Members of staff who feel they have such a grievance are recommended to seek the advice of their trade union representative.

3 Procedures

The procedure has three stages:

Stage 1

The initial allegation.

Stage II

The confidential enquiry by the Clerk to the Governors into the allegation and his/her report.

Stage III

Board of Governors/Principal action.

Stage I

This stage will be essentially informal, involving only the Clerk to the Governors (See Appendix I) and the complainant(s).

- The allegations/concerns may be presented either verbally, by telephone or in writing to the Clerk to the Governors at the complainant(s) choice in order to preserve confidentiality. The Clerk will immediately send a written acknowledgement of the concern to the complainant(s).

- The Clerk will offer to meet the complainant(s), outside the College if necessary, to discuss the allegations.

- The Clerk will, if the allegation is verbal, make a full note of the detail without identifying the complainant(s).

- The Clerk, together with the complainant(s), will discuss the allegation to ensure that other, established procedures may not be more appropriate to deal with the concern.

- The Clerk will make a written record of the agreed course of action that they intend to take and provide this to the complainant(s), normally within two weeks of the initial complaint.

- To ensure confidentiality, all such communications and correspondence shall be sent to the complainant’s home address.

Stage II

This stage will be the formal examination of the allegation by the Clerk.

- The Clerk will notify the appropriate person/body (normally the Principal and the Chair of the Board of Governors) of the allegation/complaint and that he/she intends to carry out an investigation. In certain cases, eg if the Principal and/or Chair of the
Board of Governors are involved, the notification will be to the Chair of the Audit Committee. If the allegation is made against the Chair of the Audit Committee, then the Chair, in discussion with the Clerk, will appoint another governor to undertake any investigation.

- The Clerk will take confidential statements and gather evidence from those involved in the allegations. All parties involved will have the right to representation.

- Dependent on the nature of the allegation, the Clerk may call in internal or external audit to conduct an investigation, or in the case of evidence of criminal activity, the police will be informed.

- Dependent on the complexity of the allegations and the time required for a thorough investigation, the Clerk shall provide the complainant with reports on the progress of the investigation.

- The Clerk will produce and provide the complainant with feedback on the investigation, in confidence.

- If the complainant is not satisfied that his/her concern is being properly dealt with by the Clerk to the Corporation, then they will have the right to raise the matter, in confidence, with the Chair of Corporation.

NB 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.

Stage III Board of Governors/Principal Action

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

4 Confidentiality and Protection for the Whistleblower

An employee who raises a concern within this procedure has the right to have the matter treated confidentially.

The College is fully committed to the protection of the complainant and will not tolerate any victimisation or harassment of the whistle-blower by any co-worker or manager. Any such allegation will be investigated under the College’s Dignity at Work procedures.

5 The Clerk to the Governors

The Independent Clerk to the Governors is identified as the person responsible for investigating allegations within this procedure. Any such concerns which fall within the definition of whistleblowing should be raised directly with him/her.

Contact details for the Clerk are provided at Appendix 1.

In the event of allegations of malpractice being made against the Clerk, the matter should be raised with the Chair of the Board of Governors (See Appendix 1).
6 **Timescales**

The procedure should be carried through as promptly as possible but the nature of such an investigation requires some flexibility.

The Clerk should immediately acknowledge in writing the allegations made to the complainant(s), provide regular progress reports and report back in writing the outcome of the investigation and any proposed action.

7 **Access to the Board of Governors**

If the complainant(s) is not satisfied that their concern is being dealt with properly and within a reasonable timescale by the Clerk, the complainant has the right to raise it in confidence with:

   (i) the Chair of the Board of Governors or, in the event that the Chair is involved,

   (ii) with the Chair of Audit Committee (If the allegation is made against the Chair of the Audit Committee, then the Chair, in discussion with the Clerk, will appoint another governor to undertake any investigation).

8 **Access to External Bodies**

If, at the conclusion of the above procedure, the Board finds the allegation unsubstantiated and the complainant still wishes to pursue his/her complaint, it may be appropriate for them to have access to an appropriate external body.

Such recourse would be available only when internal procedures had been exhausted.

An appropriate body might include, depending on the circumstances, the College’s Internal or External Auditors, the Education Skills Funding Agency, MPs etc.

9 **Trades Unions**

The College recognises that employees may wish to seek advice and be represented by their trade union officers when using these procedures, and welcomes and endorses the role that such officers play in these matters.

10 **Malicious Allegations**

The College regards the malicious raising of false and unfounded allegations as a serious matter which will be dealt with under the College Disciplinary Procedures.

Where a malicious allegation is made externally, this would involve the offence of bringing the College into disrepute.

In the case of malicious allegations, the Clerk will report the matter to the Principal, who will initiate the College’s disciplinary procedures.
11 **Protection of Whistleblower from Victimisation or Reprisal**

- All matters will be dealt with in the utmost confidence and the protection of the complainant(s) will be guaranteed as far as possible. All discussions will take place independently of any other personnel processes or records.

- The College will regard a whistle-blower’s actions as legitimate where:-
  - The employee has followed the College’s procedure on whistleblowing
  - The employee has acted without regard for personal gain or without personal motives

The College will regard the victimisation of employees who legitimately disclose malpractice as a serious disciplinary offence.

Employees are protected from dismissal or any other unfavourable treatment if they make disclosures in accordance with the **Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013.**

Where an employee who has made a legitimate disclosure within this procedure, has evidence of victimisation or of reprisals by managers or by colleagues, he/she should:

(a) seek the advice of their local trade union representative

(b) Initiate a grievance procedure against the perpetrator of the victimisation (if appropriate)

**NB** The Whistle-blowing policy does not cover matters relevant to the College’s Disciplinary and Grievance Procedures.

The policy :-

- Applies to all members of staff
- Can be accessed via the College Intranet
- Is the responsibility of the Independent Clerk to the Governors

In line with our obligations under the Equality Act 2010 if an individual employee has any specific needs which require reasonable adjustments to be made to the format of any meetings/discussions they may attend under this policy, they should accordingly request the same.
Independent Clerk to the Governors

APPENDIX I

WIRRAL MET COLLEGE

PUBLIC INTEREST DISCLOSURE PROCEDURES (WHISTLEBLOWING POLICY)

The person with whom concerns should be raised under the College’s procedure on Whistle blowing:-

Clerk to the Corporation,

Mobile: 07895177666
E-mail: LesleyVenables.Governor@wmc.ac.uk

The Chair of the Board of Governors can be contacted through the Clerk