

Whistleblowing Policy

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The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regulatory Reform Act 2013, protects a member of staff against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and that organisations have procedures in place to deal with the concern.

1. Introduction

- 1.1 Cambridge Regional College is committed to creating an open and transparent environment where members of staff feel comfortable in raising concerns they have. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 Cambridge Regional College encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage staff members to raise genuine concerns through internal Cambridge Regional College procedures without fear of adverse repercussions being taken against them.
- 1.4 Staff members should not use this policy and procedure for complaints relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the Grievance procedure should be used.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 Cambridge Regional College learners are also encouraged to raise genuine concerns about suspected wrongdoing using the College's complaints procedure. This policy and procedure is designed for the use of staff members of the College.

2. What is Whistleblowing?

- 2.1 Whistleblowing is when a report is made about suspected wrongdoing or dangers at work, which is in the public interest. This is referred to as making a disclosure in the public interest. A whistleblower is someone who raises a genuine concern about wrongdoing or malpractice or danger so that problems can be identified and resolved quickly.
- 2.2 Staff members are encouraged to report concerns (whether by other employees, contractors or Governors). The person making the disclosure must have a reasonable belief that it is in the "public interest" for protection to apply under this policy.

3. Scope of this Policy and Procedure

- 3.1 This policy applies to all staff members of the College. This includes apprentices, volunteers, interns, contractors, temporary employees and agency workers engaged by the College.
- 3.2 Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any staff member in this situation is encouraged to contact a member of the Human Resources team in confidence for advice.

4. Protected Disclosures

- 4.1 Under the Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013 the law protects a member of staff who, out of a sense of public duty, wants to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a "protected disclosure". In order to be a protected disclosure, a disclosure must relate to specific subject matter (see section 5 below) and must meet the following criteria:
- the procedure in this policy has been followed
 - the employee has acted in the public interest

5. Specific subject matter

- 5.1 If, in the course of employment, a staff member becomes aware of information which they reasonably believe tends to show one or more of the following, they should report any concerns using this policy and procedure:
- That a criminal offence has been committed, is being committed or is likely to be committed;
 - That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - That a miscarriage of justice has occurred, is occurring, or is likely to occur.
 - That the health or safety of any individual has been, is being, or is likely to be, endangered.
 - That the environment, has been, is being, or is likely to be, damaged.
 - That information tending to show any of the above, is being, or is likely to be, deliberately concealed.
- 5.2 Complaints about disputes/dissatisfaction in employment should be dealt with under the Cambridge Regional College Grievance procedure.

6. Procedure for Making a Disclosure

- 6.1 Information which a staff member reasonably believes to show one or more of the situations given in Section 5 should be disclosed promptly to their line manager so that any appropriate action can be taken.

- 6.2 If the matter is more serious, or if their manager has not addressed their concern or if it is inappropriate to make such a disclosure to their line manager for any reason, a staff member can raise the issue with their Director of Area or a member of the Senior Management Team.
- 6.3 If the disclosure relates to the Principal and Chief Executive, a staff member can raise the issue with the Clerk to the Corporation. In the event that the disclosure relates to the Clerk to the Corporation, a staff member can raise the issue with the Chair of the Board of Governors.
- 6.4 The College hopes that staff will be comfortable with identifying themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in undertaking an investigation or establish whether the allegations are credible.
- 6.5 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Director of HR or to the Clerk to the Corporation.

7. Procedure for Investigation of a Disclosure

- 7.1 When a staff member makes a disclosure, the College will acknowledge its receipt, in writing, normally within 5 working days.
- 7.2 The College will then determine whether or not further investigation is required. If the College considers that the disclosure does not warrant further action, the staff member will be notified in writing of the reasons for that decision and advised that no further action will be taken by the College under this policy and procedure.
- 7.3 When a staff member makes a disclosure which warrants further action, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.
- 7.4 If appropriate, any internal investigation would be conducted by a manager of Cambridge Regional College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.
- 7.5 If a disclosure involves allegations concerning an individual working at the College the College would normally expect to inform the individual of the allegations at an appropriate point, as long as this would not be to the detriment of the investigation in the view of the investigator, or unreasonably infringe upon the confidentiality of the whistleblower.

- 7.6 Any recommendations for further action made as a result of the investigation will be addressed to the Principal or the Chair of Governors as appropriate in the circumstances. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 7.7 The staff member making the disclosure will be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. Sometimes the need for confidentiality may prevent the College from giving specific details of the investigation or any disciplinary action taken as a result. The staff member should treat as confidential any information about the investigation.
- 7.8 If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chair of Governors within 10 working days. The Chair of Governors (or person nominated by them) will make a final decision on action to be taken and notify the staff member making the disclosure.

8. Safeguards for Employees Making a Disclosure

- 8.1 A staff member making a disclosure under this procedure can normally expect their matter to be treated confidentially by the College and, where possible, their name will not be disclosed to anyone implicated in the suspected wrongdoing (including in relevant documentation or reports), without their prior approval. If it is necessary to reveal their identity, the College will discuss this with them.
- 8.2 No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure.
- 8.3 A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Cambridge Regional College for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by Cambridge Regional College against the colleague in question.
- 8.4 If the College concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

9. Disclosure to External Bodies

- 9.1 This policy and procedure has been implemented to allow staff members to raise disclosures internally within Cambridge Regional College. A staff member may have the legal right to make a disclosure outside of the College in certain circumstances.

9.2 The College would encourage staff members to report their concerns internally in the first instance. The College strongly encourages staff members to seek advice before reporting a concern to any third party. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Their details are at the end of this policy. If a staff member seeks advice outside of the College, they must be careful not to breach any confidentiality obligations.

10. Accountability

10.1 Cambridge Regional College will keep a record of all concerns raised under this policy and procedure, including cases where the College deems that there is no case to answer and therefore that no action should be taken, and will report to the Governing Body as and when appropriate.

11. Further Assistance for Staff

11.1 Cambridge Regional College will not tolerate any harassment or victimisation of staff members who make disclosures. If, at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Director of HR or the Clerk to the Corporation.

11.2 A staff member making a disclosure may want to confidentially request counselling or other support from the College or seek support from their trade union representative in the process. Any request for counselling or support services should be sought from the Human Resources Department and will be dealt with confidentially.

11.3 For confidential advice on whistleblowing issues, staff can also contact the following:-

Protect
 The Green House
 244-254 Cambridge Heath Road
 London E2 9DA
Whistleblowing Advice Line: 020 3117 2520
 Website: <https://protect-advice.org.uk>

Document history

Date	Issue number	Change/Comments	Date Approved	Approved by
29/04/2017	1	Review	16/1/2014	HR
11/4/2019	2	Minor changes to job titles	11/4/2019	HR
26/05/2021	3	Update national office details	26/05/2021	HR



Contact Us
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