

# Scarborough UTC

## Whistle-blowing Policy

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## **Roles and Responsibilities**

The responsibility for the implementation of this policy and provision rests with the principal. In view of the strategic importance of this policy, the principal will retain operational control of this policy.

## **Suggested Audience**

All Governors and staff

## **Introduction**

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly, and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of Scarborough UTC.

This Policy applies to the Governors and all staff.

## 1. What is Whistle-blowing?

- 1.1. Whistle-blowing encourages and enables staff to raise serious concerns within Scarborough UTC rather than overlooking a problem or 'blowing the whistle' outside.
- 1.2. Staff are often the first to realise that something seriously wrong may be happening within the college. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the college or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.
- 1.3. The policy applies to all staff, (including those designated as casual, temporary, agency, authorised volunteers or work experience), and those contractors working for the college on college premises, for example, agency staff, builders, etc.
- 1.4. Scarborough UTC is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages staff and others with serious concerns about any aspect of the college's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the college; rather than overlooking a problem or publicly disclosing the matter.

## 2. Aims and Scope of This Policy

- 2.1. This policy aims to:
  - Provide avenues for you to raise concerns and receive feedback on any action taken;
  - Allow you to take the matter further if you are dissatisfied with the college response;
  - Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.
- 2.2. This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the college. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other college policies for dealing with complaints, with Board or management Codes of Conduct and with protocols for good working relationships within the college.

### **Types of Concern**

- 2.3. Concerns raised under this Whistle-blowing Policy should be about something that is, or may be;

- Unlawful or a criminal offence.
- A breach of a legal obligation.
- A miscarriage of justice.
- Mistreatment or abuse of a service user or a member of the public for whom the college has a responsibility.
- In disregard of legislation governing health & safety at work.
- Seeking undue favour over a contractual matter or a job application.
- Against the college or Financial Regulations.
- Fraud and corruption.
- Amounts to improper conduct or unauthorised use of public funds.
- Has led to or could lead to damage to the environment.
- A deliberate cover up of information tending to show any of the above
- Other unethical conduct.

### 3. Safeguards

#### **Harassment or Victimisation**

- 3.1. The college recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.
- 3.2. The college will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.
- 3.3. Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

#### **Confidentiality**

- 3.4. All concerns will be treated in confidence and the college will do its best to protect your identify if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or policy involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you. This policy encourages you however to put your name to your concern wherever possible. Please note that:

#### **Staff must**

- Disclose in good faith.
- Believe it to be substantially true.
- Not act maliciously or make false allegation.

- Not seek personal gain.

#### **Anonymous Allegations**

3.5. This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the college against the following criteria:

- The seriousness of the issues raised.
- The likelihood of confirming the allegation from attributable sources.
- The college's best interests.
- The protection of college assets.

3.6. You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback.

#### **Untrue Allegations**

3.7. If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

### **4. How to Raise a Concern**

4.1. Staff should in the first instance raise concern with their line manager. However, if for some reason this first step is inappropriate, then the concern should be raised at a senior leader level or with the principal. In some circumstances, the concerns can be raised directly with the Governing Board.

4.2. Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage, to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation.

4.3. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a true record.

4.4. The earlier you express the concern, the easier it is to take action.

4.5. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

## 5. How Scarborough UTC Will Respond

- 5.1. The action taken by the college will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) or referred to another agency.
- 5.2. If urgent action is required in response to a concern, this may well be taken before a full investigation is conducted.
- 5.3. Some concerns may be resolved by action agreed with you, without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.
- 5.4. In any event, within ten working days of a concern being received, the college will write to you at your home address:
  - Acknowledging that the concern has been received.
  - Indicating how it proposes to deal with the matter.
  - Giving an estimate of how long it will take to provide a final response.
  - Telling you whether any initial enquiries have been made.
  - Telling you whether further investigations will take place, and if not, why not.
  - Naming an independent person to support you during any investigation, e.g. your trade union official.
- 5.5. This named person will make contact with you immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and the investigating officer(s) informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation.
- 5.6. This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.
- 5.7. If you wish to retain your anonymity, you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.
- 5.8. The amount of contact between investigating officers and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.9. When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend (who need not be associated with the college).

5.10. The college accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigation and/or proceedings.

## **6. Detriment**

6.1. The college is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

## **7. How the Matter Can be Taken Further**

7.1. This policy is intended to provide you with a way to raise concerns within the college. The college hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with your trade official, who in return will liaise with the college on your behalf.

7.2. Alternatively, you may feel it is right to take the matter outside the college and, if so, you should take advice from an appropriate person with specialist knowledge of these types of policies.

## **8. The Responsible Officer**

8.1. The principal has overall responsibility for the maintenance and operation of this policy. Within his/her duty to ensure that the college acts lawfully, he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

## **9. Monitoring and Review**

9.1. The principal will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the college.

## **10. Approval by Governing Board and Review Date**

10.1. This policy has been formally approved and adopted by the Governing Board at a formally convened meeting.

Signed: \_\_\_\_\_  
(Chair of Governing Board)

Date: \_\_\_\_\_

Review date: \_\_\_\_\_