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AUTHOR	K Dales
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Quality Assurance Policies & Procedures

“WHISTLEBLOWING” – THE PUBLIC INTEREST DISCLOSURE ACT 1998

Overview

The recommendation of Lord Nolan in his report on Standards in Public Life, the Public Interest Disclosure Act 1998 (PIDA), received Royal Assent in July 1998. It is designed to protect “whistleblowers” from detriment and unfair dismissal. To promote and deliver a high level of service, the College will encourage propriety throughout the organisation by enabling staff to raise concerns internally in a confidential fashion. This policy addresses the way in which concerns about malpractice may be properly raised within the College, and, if necessary, outside.

1 Definition of Whistleblowing

There is no legal definition of “whistleblowing”, but it is a term which is used when an employee (or ex-employee) publicly discloses perceived wrongdoing within an organisation. It does **NOT** include personal grievances and is usually only used as a last resort when all other channels have been exhausted.

2 Use of the Procedure

This procedure should only be used if serious malpractice within the College is discovered, for example:

- fraud
- financial irregularities
- corruption
- bribery
- dishonesty
- acting contrary to codes of ethics
- criminal activities
- creating or ignoring a serious risk to health, safety or the environment.
- unethical practices
- negligence
- abuse of position of trust/authority
- concealment of any of the above

This procedure should be read in conjunction with the Fraud Procedure (QAPP 4.4.8), the Anti Bribery and Corruption Procedure (QAPP 4.4.11).

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SHEET	2 of 3
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3 Action to be Taken if Malpractice is Discovered

- 3.1 If there are reasonable grounds for believing that malpractice of the type listed above has happened or is happening in the College, the Principal must be contacted immediately, and the situation explained. The Principal will then arrange for an appropriate investigation to be carried out.
- 3.2 If the Principal himself/herself is involved in malpractice the Head of Governance to the Corporation must be contacted.
- 3.3 If it is suspected that the Head of Governance himself/herself is involved in the malpractice, a Senior Post Holder, deemed to be appropriate by the whistleblower, must be contacted.
- 3.4 Any concerns about malpractice must always be raised internally in the first instance.

4 Confidentiality

- 4.1 An employee who raises a concern under this procedure will have the right to have the matter treated confidentially and not to have his/her name disclosed to the person(s) against whom the allegation has been made without their permission. To encourage employees to raise a legitimate concern without fear of the confidentiality of the matter being "leaked", it will be appropriate for the concern to be raised orally rather than to insist that it be submitted in writing.
- 4.2 Any investigation will be carried out discreetly and the nature of the allegations and the names of those implicated will not be made public. Every employee has a duty to respect this confidentiality.

5 Timescales

- 5.1 The Head of Governance to the Corporation, or the person responsible for the investigation, will acknowledge receipt of an employee's concern in writing within 3 working days and will keep the employee informed of the progress of the investigation and the eventual outcome, as far as is possible. It should be borne in mind that there may be a variation in the length of time to investigate different types of concerns, but the College will try to resolve the matter as quickly as possible.
- 5.2 All responses to the employee will be in writing and will be sent to their home address and not through the College internal mail.

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6 Access to the Governing Body

An employee who is not satisfied that his/her concern is being properly dealt with by the Head of Governance or Senior Post Holder should raise the matter in confidence with a member of the Governing Body, specifically nominated by the Governing Body for this purpose. The name of the Governor currently fulfilling this role can be obtained from the Head of Governance to the Governors or from the Chair to the Corporation.

7 Access to the External Bodies

The Governing Body is responsible for considering the allegations in the light of the evidence from the investigation and for determining the appropriate course of action. If an employee disagrees with the decision, he/she should discuss the matter with the Chair of the Corporation. If still not satisfied, an employee may report it to the College's Internal Auditors (details available from a Senior Post Holder) or Protect (formerly Public Concern at Work) (020 3117 2520), an independent charity, who will offer confidential advice. Such steps, however, have serious implications and should only be taken after careful consideration. It is not appropriate as part of this procedure for the press, radio, TV or anyone else to be involved by the whistleblower.

8 Protection for Employees

If the disclosure of malpractice is made in accordance with PIDA, the disclosure will be protected. No employee will ever be disciplined for raising a concern so long as the whistleblowing procedure is followed. An employee's actions will be regarded as legitimate if the following conditions are met:

- the employee has followed the procedure for whistleblowing
- the employee has acted in good faith and not for personal gain or out of personal motives.

9 Malicious Accusations

If the Whistleblowing Procedure is used knowingly to make false or malicious accusations, a disciplinary offence will be committed. Wilful misuse of this procedure could constitute an act of gross misconduct which may lead to an employee's dismissal.