

Whistleblowing Policy and Procedure

March 2020

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Version Control History

| Version Number | Date of Change | Summary of Revisions Made |
|-----------------------|-----------------------|---|
| 4 | May 2013 | Version no updated and effective date updated. Review due date remains stat. Addition of Bribery to definition 3.1 issues of Serious Concern. Addition of new key principle at 4.2 that the College values its reputation for ethical behaviour and for financial probity and reliability and has a zero tolerance policy towards bribery. Change of title from Director of HR and Organisational Development to Director of HR and Communications. Changes need to be notified to the F&GP Committee – approved by them at meeting 2-Oct-13. |
| 4.1 | July 2016 | Footer updated to reflect new template model Role Title Changed: Vice Principal, Human Resources and Communications; Head of Quality. |
| 4.2 | December 2018 | Change of role to Quality Manager and other job titles to adhere to the new structure. |
| 5 | March 2020 | Footer updated to reflect policy owner, author and editor. Merging of policy and procedure. |

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Whistleblowing Policy and Procedure

1 Purpose

This document outlines the policy and procedure for the submission and handling of whistleblowing (protected disclosures) complaints at Perth College UHI.

This policy and procedure covers complaints made in the public interest, which bring serious concerns to our attention.

2 Scope

This policy and procedure applies to all staff, students, members of the Board of Management, contractors and agency workers engaged at Perth College UHI. This policy is also applicable to staff and students of other UHI academic partners. Individuals who are not a member of one of the above groups (for example members of the general public) but who wish to raise a concern of the type set out in this policy should do so by using the College's: [Complaints Handling Procedure](#)

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

3 Definitions

Whistleblowing is the term used to describe a disclosure alleging corruption, malpractice or wrongdoing on the part of another person within an organisation. A 'whistle-blower' is a person who exposes this.

The difference between whistleblowing and complaints can sometimes appear confusing. A complaint is generally made by an individual who feels they have been personally wronged in some way. A person making a complaint will likely have a vested interest in the outcome, and in such circumstances the [Staff Complaints and Grievance Procedure](#) or [complaints handling procedure](#) would apply.

Whistleblowing, however, tends to relate to matters serious concern where the organisation has breached generally accepted standards of legal, ethical, financial or other expected behaviour and it is in the public interest for it to be disclosed. This means that it must affect others, for example the general public.

Title: Whistleblowing Policy and Procedure
Version/Status: 5, Final
Approved By/Date: F&GP, March 2020
Effective Publication Date: March 2020

Owner: Depute Principal, Academic
Lead Author: Head of HR and Organisational Development
Lead Editor: Clerk to the Board of Management
Review Timing/Date: 3 Years, 2022/23

- 3.1 Issues of serious concern: are not limited to:
- A criminal offence, for example fraud.
 - Someone's health and safety is in danger.
 - Risk or actual damage to the environment.
 - A miscarriage of justice.
 - The company is breaking the law, for example does not have the right insurance.
 - You believe someone is covering up wrongdoing.
- 3.2 Public disclosures/qualifying disclosure: workers are protected from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing under the Public Interest Disclosure Act.

4 Key Principles

- 4.1 Perth College UHI is committed to the highest standard of care, probity, openness and accountability as a service provider to young people and adults.
- 4.2 Perth College UHI values its reputation for ethical behaviour and for financial probity and reliability and has a zero tolerance policy towards bribery.
- 4.3 A commitment to the highest standards of service requires that Perth College UHI encourages its employees and others to come forward with serious concerns about any aspect of our work. It is recognised that in some cases employees may wish to do this on a confidential basis and where possible they will be supported in doing so. There are, however, some situations which, because of their seriousness, will have to be dealt with in such a way that the retaining of confidentiality is impossible as it may prevent full investigation of the complaint.
- 4.4 It is the College's policy that employees who come forward with serious concerns regarding any aspects of our work are not penalised, but supported and commended for raising such issues, even if they turn out to be mistaken.

5 Safeguards/Protection

- 5.1 This policy is designed to offer protection to those who disclose reasonable concerns, provided the person disclosing has a reasonable belief that it is in the public interest. In all cases, provided that the allegation has been made lawfully, without malice and in the public interest, the person making the allegation will not be disadvantaged for reasons of making the allegation, nor will the individual suffer any form of detriment as a result.

Those who disclose concerns must not be subject of retribution for making an allegation, in any way. Any staff member, student or board member who is involved in such conduct may be subject to formal action under the appropriate policy.

- 5.2 Confidentiality: All disclosures will be treated in a confidential and sensitive manner. The identity of the person making the allegation may be kept confidential after the launch of an enquiry, if requested, as long as it does not prevent the undertaking of a fair investigation or if there is an overriding reason for disclosure (for example, if police involvement is required). However, the investigation process may reveal the source of the information, and the individual making the disclosure may be required to provide a statement as part of the evidence required. As such, confidentiality cannot be guaranteed.
- 5.3 Anonymous allegations – The policy encourages individuals making a disclosure to identify themselves as the purpose of the policy is to provide protection to those who disclose concerns. Submitting an anonymous complaint also limits the scope of the investigation, as proper investigation may be more difficult or impossible if we cannot obtain further information from the discloser(s) and therefore it may not be possible to conclude from an anonymous disclosure whether it is a public interest disclosure and/or ensure the effectiveness of any subsequent investigation.
- 5.4 False allegations – Persons found to have knowingly raised false or malicious allegations may be treated as having committed a serious offence and this will be dealt with under the appropriate policy.

6 Procedure for making a Whistleblowing Disclosure

The initial disclosure should be made to the Depute Principal, Academic; this can be made verbally or in writing. If on initial review, there is an indication of malpractice or wrongdoing, the Depute Principal, Academic will arrange for an investigation and appoint an Investigator(s) to carry out the necessary enquiries and report back to him/her. The investigation team will be made up of at least:

- One SMT or CMT member.
- One HR or Quality member, depending on the nature of the complaint.
- If the complaint relates to one or more members of the Senior Management Team (SMT), the complaint should be submitted to the Chair of the Board of Management, who will assign the investigation team which will be supported by a member of the Board of Management. The Chair of the Board of Management can also take the decision to appoint an external investigator.

If the complaint relates to one or more members of the Board of Management (BOM), the complaint should be submitted to the Chair of the Board of Management, who will appoint an external investigator. The Chair of the Board of Management

can be contacted via the Clerk to the Board on Extension 77300. The Clerk to the Board reports directly to the Chair of the Board of Management.

If the complaint relates to the Chair of the Board of Management, the complaint should be made to the Senior Independent Board Member in who will appoint appropriate external investigators.

The investigator will carry out an initial assessment to determine the scope of any investigation. The discloser(s) will be informed of the outcome of that assessment and the may be asked to attend additional meetings to provide further information.

The investigator will aim to keep the discloser(s) informed of progress and timescale. However, sometimes the need for confidentiality may prevent the discloser(s) being given specific details or indeed any details of any disciplinary or other action taken consequently as a result of raising the concern.

The investigator will report findings to the instigator of the investigation and will recommend one of the following steps based on the evidence found:

- Take no further action save to inform the discloser of the decision and reasons for it.
- Refer the matter for appropriate action within existing college procedures.
- Refer the matter to the police in the case of alleged criminal activities.

The instigator of the investigation will decide on next steps and instruct appropriately.

If the disclosure is not happy with how the College has dealt with their concern then they should raise it with the Chair of the Board or the prescribed person as set out in Section 7.

7 Qualifying Disclosures

If, despite the commitments made in this policy the discloser(s) are not comfortable disclosing to Perth College UHI, discloser(s) can report to a prescribed person rather than the college. The contact details for the prescribed person for education can be found at;

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

8 Responsibilities

8.1 The Head of Human Resources and Organisational Development has responsibility for reviewing the policy in line with changes and developments in employment and case law.

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- 8.2 The College Finance and General Purposes Committee has responsibility for approving any subsequent changes to this policy.
- 8.3 College Managers are responsible for ensuring staff are aware of the procedures and know what to do if they wish to raise a concern.
- 8.4 Quality approval check of the policy is the responsibility of the Quality Manager who will arrange for the policy to be posted on the web.

9 **Linked Policies/Related Documents**

- 9.1 Students Complaint Procedure
- 9.2 Staff Complaints and Grievance Procedures
- 9.3 Anti-Bribery Policy

10 **Relevant Legislation**

- 10.1 Public Interest Disclosure Act 1998
- 10.2 The Bribery Act 2010

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