

WHISTLEBLOWING POLICY & PROCEDURE

May 2020

1. Policy Statement

The College is committed to the highest standards of transparency, accountability and integrity. We therefore expect workers, students and others who work with the College who have concerns about any aspect of the College's work to voice these concerns.

The term "whistle-blowing" is the disclosure of information by a worker which relates to some danger, fraud, illegal or other unethical behaviour or conduct in the workplace. Whistle-blowers are protected by law, under the Employment Rights Act (1996) and the amendments made in the Public Interest Disclosure Act (1998) from being subjected to any detriment or unfairly dismissed as a result. To get that protection, the worker must reasonably believe that they're acting in the public interest (therefore personal grievances are rarely covered under whistleblowing law).

The Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activity. This policy is designed to provide guidance to all those who work with or within the College who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.

2. Scope of the policy

The College has a range of policies and procedures, which deals with standards of behaviour at work; they include Discipline, Grievance, Bullying & Harassment, Recruitment & Selection, Financial & Bribery and Corruption. Workers are encouraged to use the provisions of these procedures when appropriate, however there may be occasions when the matter needs to be handled in a different way. Details of these procedures can be found on the relevant MUSE and external RCM webpages.

This policy applies to all individuals working at all levels of the organisation including Council members, senior management, employees (whether part-time or fixed term), contractors, casual and agency staff-all collectively known as 'workers' for the purpose of this policy. This policy does not form part of any worker's contract and may be amended at any time.

This policy will apply in cases where workers genuinely believe that one of the following sets of circumstances is occurring, has occurred or may occur within the organisation and that it is in the public interest for the worker to disclose it. The matters that may be disclosed in this way are where:

- a criminal offence has been committed, is being committed or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged

- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

3. Procedure

3.1 Any worker who believes reasonably and in good faith that “malpractice” exists in the workplace, should report this immediately to a Designated Officer, that being, the Clerk to the Council or, in their absence, the Head of HR & Organisational Development. The Designated Officer will report to the most senior person in the organisation, who will commission any further investigation.

3.2 If these channels have been followed and workers still have concerns, or feel that the matter is so serious that it cannot be discussed with either of the Designated Officers, they should contact the Chairman of the Audit Committee, confidentially through the RCM Secretariat. In exceptional circumstances, if a concern about a breach or failure cannot be dealt with internally, then a disclosure can be made to a “prescribed person” or “prescribed regulator” such as HMRC or the Pensions Ombudsman. Further details about “prescribed persons or bodies” can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-andbodies-2/whistleblowing-list-of-prescribed-people-and-bodies>

3.3 The Designated Officer will arrange a meeting with the worker as soon as possible to discuss the concern. A written summary of the concern will be taken and the worker will be provided with a copy after the meeting. Where possible, and without breaching any duty of confidence that the College may owe to third parties, the worker will be advised as to how the College proposes to deal with the matter, including whether the concern that has been raised is considered to be a ‘protected disclosure’¹, or should be dealt with under other College Policies, such as the Grievance Policy

3.4 It is likely that an investigation will be necessary and the worker who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness). Appropriate steps will be taken to ensure that the worker’s working relationships are not prejudiced by the fact of the disclosure. A worker is entitled to be accompanied by a workplace colleague (college employee) or union official under this procedure. The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.

3.5 The College does not encourage staff to make disclosures anonymously as this makes it more difficult to establish whether the allegations are credible and have been made in good faith. However, the College will make every effort to keep the worker’s identity confidential. In most cases, the worker’s identity will not be disclosed without prior consent. Where concerns are unable to be resolved without revealing the identity of the person raising the concern (e.g. if that person’s evidence is required in court), the College will enter into a dialogue with the individual concerned as to how best to proceed in these circumstances.

3.6 Workers should be aware that the policy will apply where they reasonably believe that the information disclosed, and any allegation contained in it, are substantially true. If any disclosure concerns information which workers do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the organisation’s disciplinary policy and procedures and may constitute gross misconduct for which summary dismissal is a sanction.

3.7 It is understandable that whistle-blowers are sometimes worried about possible repercussions. The college aims to encourage openness and will support those covered by the policy who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

3.8 Those workers covered under this policy will not suffer any detrimental treatment as a result of raising a concern without malice, in good faith, reasonably believing it to be true (even if it is not confirmed by the investigation). Detrimental treatment includes suspension/removal from studies, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the whistle-blower believes that he/she has suffered any such treatment, he/she should inform the relevant contact (listed in paragraph 3.1) immediately. If the matter is not remedied the whistle-blower should raise it formally using the relevant Grievance Procedure.

¹ A protected disclosure, as defined by the Employment Rights Act 1996 is:

- a disclosure of a certain kind of information (a “qualifying disclosure” which, in the reasonable belief of the worker making the disclosure, is made in the public interest);
- and is disclosed by a worker in a certain way.

3.9 Workers must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

3.10 If a worker is uncertain whether something is within the scope of this Policy, they should seek advice from the Designated Officers. Alternatively, if a worker wants independent advice at any stage they may contact the independent whistle blowing charity ‘Public Concern at Work’ on 020 7404 6609 <http://www.whistleblowing.org.uk/>. Their lawyers can give free, confidential advice at any stage about how to raise a concern about serious malpractice.