

Policy	Whistleblowing Policy (Public Interest Disclosure) - GEN 06
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Associated documents	Safeguarding Policy Disciplinary Policy & Procedure Grievance Policy & Procedure
Reference documents	Public Interest Disclosure Act 1998
Initial reviewing body	Senior Leadership Team
Final approval body	Audit & Risk Assurance Committee
Published on website	Yes

Purpose	<p>To lay out Derwen College's approach to "whistleblowing", i.e. the disclosure internally or externally by staff, of malpractice as well as illegal acts or omissions at work.</p> <p>This policy forms part of our commitment to the safeguarding of adults with care and support needs and the protection of all young people.</p>
Scope	All staff (regardless of contract status), volunteers, work placements, agency staff or casual workers.
Equality, Diversity & Inclusivity	<p><i>"[Derwen] College is committed to promoting equality, good relations and to challenging discrimination. This is reflected in all College policies, procedures, processes and practices."</i> <i>Derwen College Equal Opportunities Policy</i></p> <p>Derwen College's ethos is to embrace diversity, to offer equality of opportunity, and to treat every individual fairly and with respect. Equality, diversity and inclusivity are embedded throughout the organisation. This policy should be applied in accordance with this ethos.</p> <p>If you would like a copy of this document in a different format, such as large print, please contact the Human Resources Department who will provide help with alternative formats.</p>

This Public Interest Disclosure Act 1998 protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects staff who take action over, or raise concerns about, health and safety at work.

Context

Derwen College is committed to achieving the highest possible standards of service and the highest possible ethical standards in all its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its staff or workers not employed directly by Derwen College but working within the College.

Derwen College has a range of policies and procedures, and the Contract of Employment, which deal with standards of behaviour at work; they cover Health and Safety, Complaints, Positive Behaviour Management, Equal Opportunities, Equality and Risk Management. Staff are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about a personal employment position and needs to be handled in a different way.

Protected disclosures

The law protects staff who, out of a sense of public duty, want 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 a specific subject matter (See below) and the disclosure must also be made in an appropriate way, in line with this Policy. A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

Specific Subject Matter

If, in the course of employment, a colleague becomes aware of information which they reasonably believe tends to show one or more of the following, they must use 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.

The list is not exhaustive.

Derwen College will not tolerate any harassment or victimisation of any person who expresses concern under the Whistleblowing Policy (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedure.

Designated Officers

The Senior Leadership Team have been nominated and agreed by Derwen College as designated officers for concerns under this procedure.

Role of the Designated Officer

Where concerns are not raised with their line manager, the designated officers will be the point of contact for staff who wish to raise concerns under the provisions of this policy. Where concerns are raised with a designated officer, they will arrange an initial interview that will, if requested, be confidential, to ascertain the area of concern. At this stage, the person raising the concerns will be asked whether they wish for their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. They will also be asked whether or not they wish to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

Complaints about the most Senior Persons in Derwen College

If the concern is about the most senior persons in Derwen College, this should be made to the Chair of College Governors, who will decide on how the investigation will proceed. This may include an external investigation.

Investigation

The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of abuse, suspension from work will be considered immediately. Protection of students, clients and staff is paramount in all cases.

The designated officer assigned to investigate the concerns raised will be from a different directorate to that from in which the concern was raised.

The designated officer will offer to keep the person expressing concerns informed about the investigation and its outcome.

If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Policy and Procedure will be used.

Where there is no case to answer, but the staff held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee suffers no reprisals.

Only where false allegations are made and malicious intent is inferred/suspected will it be considered appropriate to act against the informant under the terms of the Disciplinary Rules and Procedure as specified in the staff contracts.

Following the Investigation

The designated officer will then arrange a meeting with the person who expressed concerns to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned).