

# Whistleblowing and Disclosure (Public Interest Disclosure) Policy



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## Monitor Changes

Version Level	Details of Change	Date
01	New policy – this policy succeeds and amalgamates the <i>Public Interest Disclosure Policy and Procedure– Raising Concern at Work</i> and <i>Public Interest Disclosure: Student Procedure</i>	June 2023

<b>Key search words for this document</b>
Public interest disclosure, whistleblowing, designated officers, complaints, wrongdoing,

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We want this procedure to be accessible to everyone and to make it easy for you share your feedback with us. If you need this information in a different format or language, would like someone to help explain it to you or require any other support please let us know by emailing [feedback@gateshead.ac.uk](mailto:feedback@gateshead.ac.uk) or calling 0191 490 0300.

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## **1 Introduction**

Whistleblowing is the reporting of suspected wrongdoing in relation to College activities. The wrongdoing disclosed must be in the public interest. This means it must affect others, for example, the general public.

The College has a duty to conduct its business in a responsible way with duty of care for its employees, students and others, and to comply with the law. The College is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards which are in line with the College's values. The College aims to ensure that staff provide the best levels of service and act with propriety.

Whilst there are rules, regulations, quality standards and procedures in place to ensure that the highest standards of conduct and commitment to service delivery are followed, all organisations face the risk of things going wrong from time to time. This policy provides guidance to all members of the College community on how to "blow the whistle" if they are concerned about serious malpractice, fraud or corruption within the College.

Whistleblowing is different from general complaints and grievances. In the case of a general complaint or grievance, the following policies should be followed:

- Complaints (Executive Team)
- Complaints (Employees)
- Complaints (Members of the public)
- Complaints (Agency workers and third parties)
- Complaints (Commercial Partners)
- Complaints (Corporation, Corporation Member or the Clerk)
- Complaints (Students and Customers)
- Complaints (Former students)

## **2 Aims of the Policy**

The aims of the policy are:

- To encourage people to report suspected wrongdoing as soon as possible, knowing that their concerns will be taken seriously and investigated as appropriate.
- To provide guidance as to how to raise those concerns.
- To provide reassurance that people should be able to raise genuine concerns in good faith without fear of detrimental treatment even if they turn out to be mistaken. It is important that people have the confidence to raise concerns about any malpractice they feel has arisen internally. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

## **3 Who does the policy cover?**

This policy applies to all employees, governors, students, volunteers, agency workers, contractors and suppliers, and for ease, the term 'discloser' is used throughout to include the above. All concerns reported under this policy will be recorded and investigated promptly.

Gateshead College has also chosen to widen the scope of this policy to include members of the public who have become aware of any malpractice relating to the College.

#### **4 The legislation**

The Public Interest Disclosure Act 1998, which amended the Employment Rights Act 1996, came into force on 2 July 1999. The legislation protects workers from detrimental treatment or dismissal if, in the public interest, they report wrongdoing.

Please note, the legislation only applies to those within an employment and work context and therefore doesn't cover members of the public wishing to make a disclosure.

#### **5 How does the legislation protect employees and workers?**

The legislation protects employees and workers in a number of ways, for example:

- If an employee is dismissed and the reason, or principal reason, for the dismissal is that they have made a protected disclosure then the dismissal is automatically unfair; and
- In any event, workers (which is defined more broadly than employees and includes agency workers) have the right not to be subjected to any 'detriment' by their employers on the grounds that they have made a protected disclosure, and to present a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure.

#### **6 Confidentiality**

Anyone who raises a genuine concern will have the matter treated in a sensitive manner. Disclosers are encouraged to put their names to any disclosures they make. Proper investigation may be more difficult or impossible if the College cannot obtain further information from a discloser. However, if a discloser wishes to raise a concern confidentially, we will make every effort to keep their identity confidential; and only reveal it where necessary to those involved in investigating the concern.

If the discloser is in any doubt they can seek advice from [Protect](#), the Whistleblowing Charity, previously known as Public Concern at Work.

#### **7 When should this policy be used?**

Any person who has a reasonable belief that serious malpractice or wrongdoing has happened, is happening or is likely to happen, is encouraged to report this as set out within this policy.

Examples of serious malpractice or impropriety may include (please note that this list is not exhaustive):

- Fraud
- Financial irregularity
- Corruption
- Bribery
- Criminal offences

- Failure to comply with a legal or regulatory obligation
- Miscarriage of justice
- Blackmail
- Acting contrary to the code of ethics
- Criminal activity
- Endangering health and safety of any individual
- Endangering environment
- Risk to Safeguarding
- Unauthorised disclosure of confidential information
- Attempts to conceal any of the above

The College already has in place a number of policies and procedures, which relate to Disciplinary, Safeguarding and Complaints. The policy and procedure on Whistleblowing & Disclosure should not be used where a matter of concern should more appropriately be addressed through these other approved policies and procedures and in particular should not be used for complaints relating to an individual's own personal circumstances, such as how they have been treated at work. Investigation of matters raised under this policy may subsequently lead to the matter being managed under other approved policies / procedures.

If you are unsure whether to use this policy, please speak to one of the Designated Officers included within Section 8.

All enquiries regarding this policy can be done so without needing to reveal any information regarding any potential concerns.

## **8 Designated Officers**

The following post holders have been identified as Designated Officers to whom any suspected malpractice should be reported.

- Director of Governance and Compliance – Nicola Taylor  
[nicola.taylor@gateshead.ac.uk](mailto:nicola.taylor@gateshead.ac.uk)
- Deputy Principal Finance and Resources – Jeremy Cook  
[jeremy.cook@gateshead.ac.uk](mailto:jeremy.cook@gateshead.ac.uk)
- Director of People and Organisational Development – Vicki Casey  
[vicki.casey@gateshead.ac.uk](mailto:vicki.casey@gateshead.ac.uk)

All cases where an investigation is required will be reported to the Principal and Chair of the Audit Committee.

- If the concern relates to the Principal, the disclosure will instead be shared with the Chair of the Corporation Board, who will act in conjunction with the Chair of the Audit Committee.
- If the concern relates to the Chair of the Audit Committee, the disclosure will be shared with the Principal and the Chair of the Corporation Board.

In some circumstances it may be appropriate for a discloser to report their concerns to an external body such as a regulator. In these instances, it is strongly encouraged that a discloser seeks advice, for example, from one of the Designated Officers, from a solicitor, from the Citizens Advice Bureau or from [Protect](#) (previously known as Public Concern at Work), before reporting a concern to anyone external.

## 9 Making a disclosure

If you have reasonable grounds for believing that malpractice, of the type listed in section 7 above, has happened / is happening / or is likely to happen in the College, you should:

- Raise your concern with one of the Designated Officers included in Section 8. This may be done in person, orally or in writing (including via email), however a follow up of written information should include as much detail as possible relating to reasons for the suspected malpractice (please see Appendix 1 – Disclosure Flow Chart).
  - If a disclosure is made via email, please ensure the email subject is clear and references “Public Interest Disclosure”.
  - If an out of office is received, or you have not had an acknowledgement of receipt, please follow this up with another of the Designated Officers.
- Following an initial disclosure, if you feel that the outcome was unsatisfactory, you should contact one of the other Designated Officers included within Section 8.

The Designated Officers will maintain a corporate register of concerns, the nature of the concerns raised and the outcomes (in a way which would seek to respect confidentiality where possible).

## 10 Response to a Disclosure

### Step 1 – Initial Assessment:

Once a concern has been raised, the role of the Designated Officer is to:

- Acknowledge receipt of the concern within 5 working days.
- Advise if this procedure is the correct procedure for addressing the raised concerns, or where this isn't the correct policy, provide a potential alternative route.
- Offer to meet the discloser in confidence. The purpose of the meeting would be to obtain as much information about the suspected malpractice. For these meetings, disclosers have the right to be accompanied by a representative. The representative can be a colleague (not involved in the suspected malpractice) or a trade union representative. Any representative would be bound by the same duty of confidentiality.
- Make an initial assessment of the seriousness of the allegation of malpractice, in discussion with HR.
  - If, on initial examination, the concern is judged to be wholly without substance or merit, the discloser may be advised that the issue will not proceed to the investigation stage and they will be advised of the reasons for this decision.
  - If, on initial examination, an investigation is required.

All cases where an investigation is required will be reported to the Principal and Chair of the Audit Committee.

- If the concern relates to the Principal, the disclosure will instead be shared with the Chair of the Corporation Board, who will act in conjunction with the Chair of the Audit Committee.
- If the concern relates to the Chair of the Audit Committee, the disclosure will be shared with the Principal and the Chair of the Corporation Board.

## **Step 2 - Investigation:**

Where it is deemed that an investigation is required, the following steps may take place (noting that this list is not exhaustive):

- An initial assessment to determine the scope of any investigation. The individual may be required to attend additional meetings in order to provide further information or as part of a subsequent investigation.
- An internal investigation, conducted by a manager or managers designated by the Designated Officer, or by the Designated Officer themselves.
- Referral of the matter to the relevant external body, for example, the College's Internal Auditors, the FE Commissioner, the Department for Education (DfE), if this is deemed necessary and appropriate.
- Referral of the matter to the police, if this is deemed necessary and appropriate.

The discloser will be advised, where appropriate, which steps are being taken.

## **Step 3 – Investigation Report:**

The results of any investigation together with any recommendations for action will be formalised in a report which will be brought to the attention of the Principal (aside from where the concern relates to this post holder, and therefore the report will not be shared with the Principal) and Chair of Audit Committee (aside from where the concern relates to this post holder and instead will be shared with the Chair of the Corporation Board), and will be shared with the Audit Committee. When the concern relates to the Chair of the Audit Committee, the Chair of the Audit Committee will be excluded from the circulation.

The investigation report may make recommendations. Recommendations may include, for example, that a disciplinary process will be followed. No disciplinary action will be taken against any individual until or unless that individual has had an opportunity to make representations in relation to the allegations, in any disciplinary process followed. The discloser will, where appropriate, be advised in writing of the outcome of the investigation.

Sometimes the need for confidentiality may prevent the College giving the discloser specific details of the investigation or the recommendations, including any disciplinary action taken as a result. Disclosers should treat any information which they are given about the investigation as confidential.

Specific timescales for actions and responses cannot be specified. This recognises the likely variations in the length of time it may take to investigate different issues. However, it is recognised that sensitive and prompt handling of such disclosures is essential.

## **11 What should I do if I think the matter is not being properly dealt with?**

If you feel that the person responsible for the investigation or the Designated Officer is not dealing with the matter properly, you should raise it in confidence with the Principal. If the concern relates to the Principal, you should contact the Chair of the Corporation.

If you are not satisfied with the Principal's response, you should raise this with the Chair of the Corporation. If the concern relates to the Chair of the Corporation, you should contact the Chair of the Audit Committee.

If you are not satisfied with the Chair of the Corporation's response, you should approach [Protect](#) (previously known as Public Concern at Work), an independent charity, who will offer confidential advice.

## **12 What should I do if I'm not satisfied with the decision, the further steps or the outcome?**

If you are not satisfied following the decision made by the Designated Officer, you should raise it in confidence with the Principal within 10 working days. If the concern relates to the Principal, you should contact the Chair of the Corporation.

If you are not satisfied following the decision of the Principal, you should raise it in confidence with the Chair of the Corporation. If the concern relates to the Chair of the Corporation, you should contact the Chair of the Audit Committee. Alternatively, you may wish to contact the College's external auditors or other appropriate regulator. A response will usually be provided within 10 working days.

If you are not satisfied with the response of the Chair of the Corporation, you should contact the College's Internal Auditors, the FE Commissioner, the ESFA, the HSE, the Environment Agency, other appropriate regulator, or the Police, whichever one you reasonably believe to be the most appropriate.

## **13 Protection against detriment**

The College will, as required, act to protect any individual making disclosures under this policy.

If a discloser employed by the College believes that they have suffered detrimental treatment as a result of raising a genuine concern under this policy, they should inform the Director of People & Organisational Development.

Any member of staff who subjects employees who raise concerns under this procedure to detrimental treatment, or otherwise deters, or attempts to deter them from raising such concerns is likely to be subject to disciplinary action which may lead to dismissal.

## **14 Protection against disciplinary action**

No disciplinary action will be taken against a discloser for raising suspected allegations using this procedure if the disclosure is made in the public interest and where the employee reasonably believes that the allegations are true and where the employee will not make any financial gain from making the disclosure, even if the disclosure turns out to be mistaken.

## **15 False allegations**

The College will not tolerate false and / or malicious allegations (or persist with allegations of a vexatious nature) or with a view to personal gain and in such circumstances disciplinary action may be taken, where required.



## 1. Contact Information

Individual / Organisation	Contact Details
Designated Officers	Director of Governance and Compliance – Nicola Taylor <a href="mailto:nicola.taylor@gateshead.ac.uk">nicola.taylor@gateshead.ac.uk</a> Deputy Principal Finance and Resources – Jeremy Cook <a href="mailto:jeremy.cook@gateshead.ac.uk">jeremy.cook@gateshead.ac.uk</a> Director of People and OD – Vicki Casey <a href="mailto:vicki.casey@gateshead.ac.uk">vicki.casey@gateshead.ac.uk</a>
Principal	David Alexander <a href="mailto:David.alexander@gateshead.ac.uk">David.alexander@gateshead.ac.uk</a>
Interim Chair of the Audit Committee	Aneela Ali <a href="mailto:aneela.ali@gateshead.ac.uk">aneela.ali@gateshead.ac.uk</a>
Chair of the Corporation	Michael Wood-Williams <a href="mailto:michael.wood-williams@gateshead.ac.uk">michael.wood-williams@gateshead.ac.uk</a>
<b>Other organisations it may be appropriate to contact</b>	
Internal Auditors – Wylie & Bissett	<a href="https://www.wyliebissett.com/contact/">https://www.wyliebissett.com/contact/</a>
Education and Skills Funding Agency (ESFA)	<a href="https://www.gov.uk/government/organisations/education-and-skills-funding-agency">https://www.gov.uk/government/organisations/education-and-skills-funding-agency</a>
FE Commissioner	<a href="https://www.gov.uk/government/organisations/further-education-commissioner">https://www.gov.uk/government/organisations/further-education-commissioner</a>
Northumbria Police	<a href="http://www.northumbria.police.uk">www.northumbria.police.uk</a> Telephone: 101
Environment Agency	03708 506 506 <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a>
Health & Safety Executive	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Protect	<a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a>

## Appendix 1 – Disclosure Flow Chart

**Making a Disclosure:** If malpractice is suspected, raise your concern with a Designated Officer (included in Section 8). This can be done in person, orally, or in writing.

If you believe the outcome of your initial disclosure is unsatisfactory, contact another of the Designated Officers.



### **Response to a Disclosure:**

**Step 1 – Initial Assessment:** The Designated Officer acknowledges the concern, advises if this procedure is correct, offers to meet the discloser in confidence, and makes an initial assessment of the seriousness of the allegation.

**Step 2 - Investigation:** If an investigation is required, it may involve an initial assessment, an internal investigation, referral to an external body, or referral to the police.

All cases where an investigation is required will be reported to the Principal and Chair of the Audit Committee.

- If the concern relates to the Principal, the disclosure will instead be shared with the Chair of the Corporation Board, who will act in conjunction with the Chair of the Audit Committee.
- If the concern relates to the Chair of the Audit Committee, the disclosure will be shared with the Principal and the Chair of the Corporation Board.

**Step 3 – Investigation Report:** The results of the investigation and any recommendations are formalised in a report which is brought to the attention of the Principal (aside from where the concern relates to this post holder, and therefore the report will not be shared with the Principal) and Chair of Audit Committee (aside from where the concern relates to this post holder and instead will be shared with the Chair of the Corporation Board), and will be shared with the Audit Committee. When the concern relates to the Chair of the Audit Committee, the Chair of the Audit Committee will be excluded from the circulation.



**If you feel the matter is not being properly dealt with:** Raise the issue in confidence with the Principal or the Chair of the Corporation. If not satisfied with their response, approach Protect, an independent charity.



**If you're not satisfied with the decision, further steps or outcome:** Raise the issue in confidence with the Principal or the Chair of the Corporation. If still not satisfied, contact the College's Auditors, the FE Commissioner, the ESFA, the HSE, the Environment Agency, other appropriate regulator, or the Police - whichever one you reasonably believe to be the most appropriate.