

Public Interest Disclosure: Student Procedure

**GATESHEAD
COLLEGE**
EDUCATION
WITH
EMPLOYMENT
EDGE



1. INTRODUCTION

The College procedure on raising concerns and the reporting of malpractice respects the current legal requirements in accordance with the Public Interest Disclosure Act 1998 (PIDA).

2. WHAT IS PUBLIC INTEREST DISCLOSURE?

Public Interest Disclosure is more commonly referred to as whistleblowing. The Nolan Committee has used the term whistleblowing to describe the practice of public interest disclosure. It means the confidential raising of problems within an organisation, rather than the common understanding of leaking information to the media.

3. WHEN SHOULD I USE THIS PROCEDURE?

Where a student, irrespective of the nature or term of their study (i.e. full-time or part-time) has serious concerns about perceived irregularities in the governance and the running of the College or the activities of staff or other students in the College, s/he should be able to raise those concerns without fear of victimisation or harassment in general, or of a detrimental effect on her/his academic results in particular or being placed in a moral dilemma with the route of public disclosure as the sole means of action. It provides an opportunity for those concerns to be investigated and for appropriate action to be taken to ensure that the matter is resolved effectively within the College wherever possible.

This procedure does not replace the existing Complaints procedures or the Student Appeal Against Assessment Outcome, nor to provide an alternative mechanism for students to raise matters relating to their own learning experiences or that of their colleagues; channels for raising such matters are already adequately provided via student representation at various levels of the College committee structure. It is intended to cover concerns that fall outside the scope of other procedures.

4. WHEN SHOULD I NOT USE THIS PROCEDURE?

Raising concern at college does not include personal grievances about staff or other students. These should be dealt with through existing relevant procedures. Students should only raise a concern at College if it is in the public interest to do so. The College will treat all such disclosures seriously.

5. EXAMPLES OF MALPRACTICE OR SERIOUS CONCERNS COVERED BY THIS PROCEDURE

- an offence or breach of any statutory instrument or legal obligation;
- repeal of appropriate procedures;
- improper or unauthorised use of public funds;
- fraud;
- failure to comply with a legal or regulatory obligation
- financial irregularity;
- dishonesty;
- malpractice;
- corruption;
- bribery;
- unethical conduct;
- criminal offences
- miscarriage of justice;
- radicalisation or extremism (in relation to the *Prevent Duty Guidance*);
- danger to the health and safety of any individual or the environment;
- the deliberate concealing of information about the above.

These examples are not intended to be exhaustive. Generally, concerns are likely to involve something which may be unlawful, or which may be contrary to College policies, or which falls below established standards of practice, or which amounts to unethical or improper conduct.

6. CONFIDENTIALITY

If you raise a matter under this procedure

- it will be treated in the strictest confidence and your name will not be disclosed to anyone without your permission (in some circumstances this may be written and in others the college will give the student prior notification) unless:
 - a) there are grounds to believe that you have acted maliciously;
 - b) one of the outcomes is a disciplinary investigation, which requires confidential disclosure to allow the investigation to proceed, in these circumstances, you will be notified in advance; or
 - c) the student's name is required to be used as part of the evidence for criminal proceedings or employment tribunals
- any investigation will be carried out discretely and the nature of the allegations and the name of those implicated will not be made public;
- you also have a duty to respect this confidentiality.

7. HOW TO REPORT A CONCERN

If you have reasonable grounds for believing that malpractice of the type listed in section 5 above is happening in College;

- you should raise that matter through your normal tutor management system
- if you genuinely believe that this route is inappropriate, or you have taken this route and are not satisfied with the outcome you should contact the Director of Marketing, Health and Safety and Student Services, the Head of People and Organisation Development or the Head of Student Services, details listed below;

- your concerns should, wherever possible, be in writing;
- if this is not practical you can air your concerns verbally;
- you should provide as much supporting written evidence as you can about your concerns and your reasons for suspecting malpractice;

The following posts have been designated as officers to whom suspected malpractice should be reported:

Nadine Hudspeth – Director of Marketing, Health and Safety and Student Services

Tel: 0191 490 2254

Email: nadine.hudspeth@gateshead.ac.uk

Paul Campbell – Head of People and Organisation Development

Tel: 0191 490 2215

Email: paul.campbell@gateshead.ac.uk

Darren Heathcote – Head of Student Services

Tel: 0191 490 4611

Email: darren.heathcote@gateshead.ac.uk

- you can choose which of the above you contact;
- if you suspect that all the designated officers are involved in the malpractice you should contact the Principal;
- if you suspect that the Principal is also involved you should contact the Chair of the Corporation.

8. INVESTIGATION

The College will investigate, promptly and thoroughly, all concerns raised in accordance with this procedure, and will take appropriate action. The Director of Marketing, Health and Safety and Student Services has overall responsibility for the maintenance and operation of this procedure. Responsibilities and routes for further action will be developed in linewith the procedures already in place for 'Public Interest Disclosure Procedure' for employees.

Any concern raised in accordance with this procedure will be treated seriously. All steps will be taken to protect students raising concerns in good faith by maintaining confidentiality as far as is consistent with progressing this matter. Students who raise concerns through the agreed procedures will not be subject to disciplinary action providing that they do so lawfully, without malice, in the public interest and in a way which respects confidentiality.

Concerns should not be raised in order to pursue any private dispute, i.e. a matter which is not, in any way, connected to the business of the College. Raising a false allegation will not necessarily lead to disciplinary action, if it can be demonstrated that the matter was raised in good faith; however, where there is evidence that an allegation has been made with malicious, vexatious or frivolous intent, the matter will be regarded as a serious disciplinary offence.

Similarly, any victimisation of a student who raises a concern, or any attempts to deter him/her from raising a legitimate concern about malpractice, will be regarded as a serious disciplinary offence.

9. WHAT WILL MY INVOLVEMENT BE IN ANY INVESTIGATION?

You will only be required to participate in any investigation if you consent in writing to do so, unless there are grounds to believe that you may have been involved in the alleged malpractice. Any such participation will normally be on an open rather than confidential basis.

10. HOW WILL I KNOW WHAT IS HAPPENING?

The Designated Officer whom you approach:

- will keep you informed in writing of the progress of the investigation and the eventual outcome, as far as is possible;
- will send any correspondence to your home address

The College will try to resolve the matter as quickly as possible.

11. OUTCOMES

Following consideration of the report of the investigation, the Designated Officer who is investigating the disclosure, along with one other Designated Officer will confirm an outcome:

- (a) invoke the appropriate disciplinary procedure;
- (b) refer the matter to the police;
- (c) refer the matter to an interested external body (e.g. Education and Skills Funding Agency or the Health and Safety Executive);
- (d) review and modify relevant College Procedures, taking account of any recommendations made in the report of the investigation;
- (e) make a recommendation or instruction to a manager;
- (f) take no action.

12. WHAT SHOULD I DO IF I DO NOT THINK THE MATTER IS BEING PROPERLY DEALT WITH?

- if you feel that the person responsible for the investigation is not dealing with the matter properly, you should raise it in confidence with the Principal;
- if you are not satisfied with the Principal's response, you should raise it in confidence with Chair of the Corporation;

13. WHAT SHOULD I DO IF I AM NOT SATISFIED WITH THE DECISION, THE FURTHER STEPS DECIDED UPON OR THE OUTCOME OF ANY SUCH STEPS?

- if any of the designated officers made the decision you should contact the Principal;
- if the Principal made the decision you should contact the Chair of the Corporation;
- if you are not satisfied with the response of the Chair of the Corporation, you should contact the College's Internal Auditors, or the Education and Skills Funding Agency, or the Health & Safety Executive or the Environment Agency or the Police, whichever one you reasonably believe to be the most appropriate;
- if the Chair of the Corporation made the decision you should contact the College's Internal Auditors, or the Skills Funding Agency, or the Health & Safety Executive or the Environment Agency or the Police, whichever one you reasonably believe to be the most appropriate.

If your dissatisfaction leads you to contact any of these external bodies this must be done on a confidential basis

- under this procedure contact with external bodies is only appropriate if section 14 below applies.

14. EXTERNAL DISCLOSURE

You should only raise matters externally if:

- you have exhausted the measures contained within this procedure to have the matter dealt with internally and the College has not taken appropriate action; or
- the circumstances are so extreme that you have reasonable grounds to believe that use of this procedure would result in evidence being concealed or destroyed;
- you reasonably believe that you will be treated detrimentally for using this procedure.

15. PROTECTION BY THE PUBLIC INTEREST DISCLOSURE ACT

If you disclose your concerns externally, you are likely to have the protection of the Public Interest Disclosure Act if you have complied with the requirements in sections 4, 13 and 14.

If in your view you have complied with the requirements in sections 4, 13 and 14 and you wish to make an external disclosure, you should first of all take advice from the National Union of Students. They will offer confidential advice on whether the circumstances will give you protection under the Public Interest Disclosure Act if you make an external disclosure.

16. WHO SHOULD I GO TO IF I THINK I NEED TO USE THIS PROCEDURE BUT DO NOT FULLY UNDERSTAND IT?

You should go to one of the Designated Officers who can, in confidence, explain the procedure to you without you revealing any of your suspicions.