



Public Interest Disclosure Policy and Procedure– Raising Concern at Work

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A policy and procedure for raising concern at work

1 INTRODUCTION

In line with best practice laid down by the Nolan Committee, the College has drawn up the following policy on Public Interest Disclosure in conjunction with the recognised trade unions, NEU, UNISON and UCU. The College Executive and Governors take seriously the need to operate in a climate of openness in which staff can raise legitimate concerns without fear of reprisal. They also want to ensure that the College is administered honestly, ethically and fairly. All instances of suspected malpractice will be taken seriously and investigated in accordance with this procedure.

The policy and procedure seeks to balance the need to provide safeguards for members of staff to raise genuine concerns about malpractice against the need to protect other members of staff and the College against uninformed or malicious allegations which may cause serious harm.

Contact telephone numbers for all external organisations contained in this procedure are given at the end.

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. Many organisations, including Gateshead College, prefer to use the expression 'raising concern at work'.

Raising concern at work does not include personal grievances about managers or colleagues. You should only raise a concern at work if it is in the public interest to do so.

3 WHO DOES THIS POLICY AND PROCEDURE COVER?

This covers all employees and contractors (who are not genuinely employed), agency staff, home workers and trainees.

4 WHEN SHOULD I USE THE RAISING CONCERN AT WORK PROCEDURE?

You should only use this policy and procedure if you suspect serious malpractice within the College if it is in the public interest, for example:

- 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.

Or deliberately concealing any of the above. Please note that this list is not exhaustive.

5 CONFIDENTIALITY

If you raise a matter under this policy and 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 employee 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 employee'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.

6 WHAT SHOULD I DO IF I DISCOVER MALPRACTICE?

If you have reasonable grounds for believing that malpractice of the type, listed in section 4 above, is happening in the College:

- You should raise the matter through your normal management line. For the purposes of this procedure the line manager is deemed to be the designated officer where a concern is raised directly with them;
- if you genuinely believe this route is inappropriate, or you have taken this route and are not satisfied with the outcome you should contact one of the Designated Officers listed in section 7 below. You can choose which one you contact.
- 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.

7 DESIGNATED OFFICERS

The following posts have been designated as officers to whom suspected malpractice should be reported. As the purpose of the Public Interest Disclosure Policy and Procedure is to encourage you to air genuine concerns, designated officers have been selected who can be easily approached by staff.

Clerk to the Corporation

Head of Quality Improvement

Head of People and Organisation Development

Designated Officers

- 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 RESPONSIBILITIES OF THE DESIGNATED OFFICER

The role of the designated officer is to be an easily accessible and confidential first point of contact.

The designated officer

- **will not** conduct an in-depth investigation into the matter but
- **will** make recommendations on the basis of the information provided by you.
- the designated officer whom you approach, or the Principal or Chair of the Corporation if it has been necessary to approach one of them, **will**:
- advise you if this procedure is not suitable for addressing your concerns. If this is the case, he/she will refer you to the appropriate procedure;
- acknowledge receipt of your concern in writing within 3 working days;
- if this is the appropriate procedure, offer to interview you in confidence. The purpose of the interview will be to obtain as much information from you as possible about the suspected malpractice and to discuss with you what further steps could be taken. You have the right to be accompanied by a representative at the interview. The representative can be a colleague or a union representative. Any representative will be bound by the same duty of confidentiality as you are;
- make an initial assessment of the seriousness of the allegation of malpractice;
- as soon as possible after the interview, make an initial recommendation to the Principal as to how the matter should be dealt with. If it is alleged that the Principal is involved in the suspected malpractice the recommendation will be made to the Chair of the Corporation. If it is alleged that both the Principal and the Chair of the Corporation are involved the recommendation will be made to the College's Internal Auditors, or the Further Education Commissioner (FEC), or the Education and Skills Funding Agency (ESFA), or the Health & Safety

Executive (HSE), or the Environment Agency' or the Police, whichever one the Designated Officer reasonably believes to be the most appropriate;

- when the person to whom the recommendations were made has undertaken a decision, the designated officer who made the recommendations will be informed of the decision. The designated officer will inform you in writing as far as possible and subject to the rights of any others involved, what the outcome is.

9 TRAINING OF DESIGNATED OFFICERS

All designated officers will receive training in their responsibilities.

10 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.

11 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 and not via the College internal mail.

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

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 the Chair of the Corporation;
- if you are not satisfied with the Chair of the Corporation's response, you should approach Public Concern at Work, an independent charity, who will offer confidential advice.

If the Principal is involved in the allegations, you should go to the Chair of the Corporation. If the Chair of the Corporation is involved, you should go to Public Concern at Work.

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 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 FEC, or the ESFA, or the

- HSE, or the Environment Agency, or other appropriate regulator, or the Police, whichever one you reasonably believe to be the most appropriate;
- Take advice from the independent charity Public Concern at Work.

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 are entitled to raise in confidence any appropriate matter at any time with our external auditors, the appropriate external regulator, such as HSE, or with the police.

However otherwise you should only raise matters with an external third party if:

- you have exhausted the measures contained within this procedure to have the matter dealt with internally and the employer 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 13, 14 and 18.

If in your view you have complied with the requirements in sections 13, 14 and 18 and you wish to make an external disclosure, you should first of all take advice from the independent charity Public Concern at Work. They will offer confidential advice on whether the circumstances will give you protection under The Public Interest Disclosure Act 2013 if you make an external disclosure.

We take all disclosures made and any request from you for confidentiality very seriously. However, proper investigation of a disclosure by the College can be impossible when we are unable to obtain further information from the disclosing party. In particular, it can make it difficult to establish that the disclosure is credible. Therefore, where an anonymous disclosure is made, and it is accompanied by insufficient evidence or information for the College to properly investigate it, we may conclude that the disclosure does not warrant further investigation.

16 VICTIMISATION

Any attempt by management or staff to victimise employees who raise concerns under this procedure, or deter, or attempt to deter them, from raising such concerns will be subject to disciplinary action which may lead to dismissal.

17 PROTECTION AGAINST DISCIPLINARY ACTION

No disciplinary action will be taken against an employee 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.

18 WHEN SHOULD I NOT USE THIS PROCEDURE?

This procedure exists to make it easier for you to raise genuine concerns about suspected malpractice if they are in the interest of the College, staff, students or the public. It is not to be used to further any personal disputes or grievances. These should be dealt with through existing relevant policies.

If you use this procedure knowingly to make false or malicious allegations which are not in the public interest, you will be committing a disciplinary offence.

Wilful misuse of this procedure could constitute an act of gross misconduct and may lead to your dismissal.

19 WHO CAN 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.

CONTACT INFORMATION

Chair of the Corporation via the Clerk to the Corporation

Education and Skills Funding Agency
<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

Health & Safety Executive 03007906787
www.hse.gov.uk

Environment Agency 03708 506 506
www.environment-agency.gov.uk

Police 101
www.northumbria.police.uk

Public Concern at Work 020 7404 6609

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