



WHISTLE BLOWING POLICY AND PROCEDURES

2021/22

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Responsibility

SMT member: Principal
Together with: SMT and Governing Body

Introduction

Hereford Sixth Form College, in common with other public bodies, has a duty to conduct its affairs in a responsible, legal and transparent way, and is subject to the standards of public life enunciated in the report of the Nolan Committee. This report identified seven principles of public life, namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Aim

These procedures are intended to provide a structure for the handling of allegations of suspected malpractice by members of staff of the College (commonly known as “whistle blowing”).

The procedures are designed to assist in investigating, and where appropriate, acting upon, a complaint by any person or persons within the College about any of the following matters, whether it is by the College management in its wider sense, or a member of staff of the College:

- commission of a criminal offence
- failure to observe a legal obligation or comply with an instrument of governance
- miscarriage of justice
- endangering health and safety or the environment
- administrative malpractice
- financial malpractice
- fraud
- academic or professional malpractice
- improper conduct or unethical behaviour
- suppression or concealment of any matters relating to the above.

These procedures are in addition to the grievance procedures agreed by Hereford Sixth Form College staff, which should be used to raise grievances about an employee’s personal employment situation.

Any employee who raises a concern will have the right to have the matter treated confidentially. No detrimental action of any kind will be taken against a person within the College making a complaint of the nature described above, provided that it is done without malice and in good faith, reasonably believing it to be true. In addition, members of staff have statutory protection. A malicious complaint, however, could result in disciplinary action.

Procedures

Employees may raise concerns verbally or in writing with any of the senior postholders (Principal, Vice Principals and Clerk to the Governors). Employees with a concern about a senior member of staff (Principal or Vice Principals) should raise it directly with the Chair of the Governors or the Chair of the Audit Committee.

The complainant has the right to raise concerns through their line manager in the event of them being unwilling to or uncomfortable with reporting direct to senior management.

The person hearing the complaint is under an obligation to respect the confidentiality of the complainant and prompt a full investigation. They will acknowledge the concern expressed, in writing, and report back in writing, the outcome of the investigation (subject to third party rights) and any proposed action. If the investigation is prolonged the concerned employee will be informed as to the progress of the investigation and when it is likely to be concluded.

The person or persons against whom the allegation is made must be informed, without revealing the identity of the complainant, of the allegation and the evidence supporting it, and must be allowed to respond to the allegation before the investigation is concluded.

The identity of any person making an allegation under the above paragraphs will be kept confidential until a formal investigation is launched. Thereafter, the identity of the person making the allegation will be kept confidential unless this is incompatible with a fair investigation, or unless there is an overriding reason for disclosure.

If, following investigation, a complainant is not satisfied that their concerns have been properly dealt with, they may raise it in confidence with the Chair of the Governors or the Chair of Audit Committee who will follow the procedures outlined above.

If the complainant remains dissatisfied with the outcome of the investigation for the following reasons, they have a right of appeal:

- they believe that procedures have not been properly followed
- they believe that the decision is one which no reasonable person could have reached.

The Chair of Governors or the Chair of Audit Committee will then appoint an independent person to hear the appeal. This would be a person or persons not employed by the College who holds, or has held judicial office, or is an experienced practicing barrister or solicitor. One member of the Governing Body, and one member of senior staff (against whom no complaint has been made) will sit with the appointed person on the appeal panel.

If the Governing Body finds the allegation unsubstantiated, or to have been handled in a satisfactory manner by senior staff, the employee may still pursue the matter with an external agency (normally the LSC). This recourse should only be used when internal procedures have been exhausted.

Deliberately false and malicious accusations will be dealt with under the College disciplinary procedures.