

Disclosure of Matters of Public Interest (Whistle Blowing)

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Current Status	Operational	Last Review:	June 2022
Responsibility for Review:	Chief People Officer	Next Review:	June 2023
Internal Approval:	SET	Originated:	September 2015

1.0 Policy for Disclosure of Matters of Public Interest

1.0.1 As a predominantly publicly funded institution, the Trust seeks to operate the highest standards of probity and honesty in all its activities. It is committed to encouraging a climate of openness in which employees will feel able to raise issues of concern with management, or the appropriate authorities, without fear of reprisal. If an employee reasonably suspects that the Trust, or some employee, agent or associate of the Trust has acted in an improper or unlawful manner then they are able to do so with confidence that their disclosure will be taken seriously, handled with discretion and that it will not lead to disciplinary proceedings, dismissal or any other detrimental treatment.

1.0.2 This policy provides the framework within which such issues will be handled.

1.0.3 The intention is that the policy will:

- provide a means for individuals to raise genuine and legitimate concerns as soon as possible, in order for the matter to be investigated
- serve as a deterrent to serious malpractice in the Trust
- help to avoid public criticism or crisis management
- promote accountability throughout the Trust

1.0.4 The policy applies to all employees of the Trust, and to those engaged through an agency.

1.0.5 This procedure supplements the existing procedures within normal line management and enables staff to raise issues or concerns outside their line management and in confidence, particularly over issues of wrongdoing within the Trust. It is expected that this procedure will only be used after less formal routes have been followed, for example, discussions with line managers, union representatives, staff governor etc.

1.0.6 The issues concerned may include, but are not limited to:

- Criminal activity
- Miscarriage of justice
- Failure to comply with any legal or professional obligation or regulatory requirements
- Fraud, corruption and bribery

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- financial malpractice and mismanagement
- embezzlement
- serious maladministration arising from a deliberate commission of improper conduct
- unethical practices, not necessarily of a criminal nature
- malpractice or misadministration of awarding body standards
- dangerous acts or omissions which create a hazard to health, safety or the environment
- attempts to conceal evidence in relation to the above issues.

- 1.0.7 The concern may relate to the conduct of the Trust as an employer, or to individual employees, and is likely to involve bringing the Trust into disrepute.
- 1.0.8 As a general rule instances of bullying, discrimination and harassment should be reported through the Trust's Bullying and Harassment Policy and complaints personal to the employee's work should be dealt with through the Trust's Grievance Policy.
- 1.0.9 Conduct which may give rise to use of the whistle blowing procedures could be committed by the Trust itself, an employee, a third party working on behalf of the Trust, a student, supplier or partner in a joint venture.
- 1.0.10 This procedure is separate from the Trust's Grievance Procedure and may not be used as an alternative mechanism for employees to raise personal grievances.

2.0 Procedure

- 2.0.1 The Trust's internal procedures will normally be adequate to deal with allegations of wrongdoing. In order to ensure that there are no individuals against whom allegations cannot be made, a number of people are specified as investigating officers to whom disclosures should be directed.

Allegation Against	Disclosure to and investigation (where applicable) by
The Trust Board	Clerk to the Trust will receive the disclosure but not investigate. Members to determine investigating officer.
The Chair of Trustees	Clerk to the Trust will receive the disclosure but not investigate. Members to determine investigating officer.
An individual member of the Corporation	The Chair of Trust or the Clerk to the Trust (receiver of the disclosure only)
The Chief Executive	The Chair of Trustees

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Senior Executive Team Member	The Chief Executive
Clerk to the Trust	The Chair of Trustees
Any other member of staff	The Chief People Officer

3.0 Making an Allegation

- 3.0.1 An allegation may be made in writing or orally to the appropriate person as above, once the informal route (if applicable) has been followed. If making an allegation by email it is recommended to use a private account rather than use of a Trust account to safeguard the confidentiality of the complainant. If you wish to make a disclosure, you should make it clear that you wish the matter to be dealt with under the Disclosure of Public Interest policy (whistleblowing). If the allegation is made orally, the investigating officer should make a full record of the complaint and obtain written confirmation from you that the record is accurate.
- 3.0.2 The person who has received the disclosure will acknowledge the complaint in writing immediately. Correspondence with you will be directed to the home address and/or private email account (as agreed by the parties) and not by internal Trust mail or email account.
- 3.0.3 Any issues raised under these procedures will be taken seriously and will be fully investigated. Confidentiality of complainants will be maintained until the formal investigation is undertaken. Your identity will then only be divulged if necessary to allow a fair and thorough investigation to be completed, and only with the prior written consent of the complainant (see section 3.1 below).
- 3.0.4 Disclosures to agencies outside the Trust should only be made when internal procedures have been exhausted. Provided that the procedures have been followed, staff making allegations should feel able to do so without fear of disciplinary or other action against them.
- 3.0.5 Any malpractice or maladministration suspected in relation to student registrations will be reported to the relevant awarding body as soon as practicably possible.
- 3.0.6 The Trust will not subject you, to any form of detrimental treatment because you made the disclosure. The Trust will take all reasonably practicable steps to prevent any other person or party, including other employees, from subjecting you to detrimental treatment just because you made a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform [the relevant person] immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

3.0.7 Any employee who threatens or retaliates against whistleblowers in any way, will be subject to disciplinary action.

3.1. Anonymous Disclosures

3.1.1. When making a disclosure, we hope that individuals will feel able to voice concerns openly under this policy and you are encouraged to provide your name when doing so and to allow this information to be disclosed during the investigation of the disclosure. The Trust will be able to deal with any disclosure more effectively if they are aware of the identity of the person who made the disclosure and able to seek further information. We therefore do not encourage anonymous disclosures.

3.1.2. However, you may expressly request that your identity as a whistleblower is kept confidential. The Trust will at all times seek to maintain confidentiality in relation to the nature of the disclosure and the person who made it. Where an employee requests confidentiality the Trust will not reveal their name without their consent, unless required by law.

3.2. Malicious Disclosures

3.2.1. Where, following investigation of any disclosure, there is evidence that in making the disclosure the individual has made false allegations maliciously the Trust reserves the right to refer the matter to the Trust's Disciplinary Policy.

3.3. Investigating an Allegation

3.4. The person who has received the disclosure will appoint an investigating officer who is responsible for investigating the complaint. In certain circumstances, an external investigator may be appointed. The nature of the investigation will vary according to the nature of the complaint. It may be undertaken personally by the investigating officer or be referred to another employee with the appropriate professional or technical qualifications, or be referred to an external body such as the Education and Skills Funding Agency or the Trust Internal Auditors (particularly in the case of suspected fraud).

3.5. The investigating officer may inform the police if there are grounds for suspecting criminal activity.

3.6. It may be necessary to hold a meeting with you to seek further information regarding the disclosure. Although this will not constitute a formal grievance hearing the Trust will, at the discretion of the investigating officer conducting the investigation, allow you to be accompanied by a trade union representative or colleague. That person will be allowed to address the investigating officer and confer with you, but may not answer questions on your behalf.

3.7. The investigating officer will also carry out all further enquiries necessary to ensure that the disclosure is fully and properly investigated. This may involve interviewing others, collecting and reviewing evidence such as documents, CCTV etc. and conferring with relevant authorities and advisers.

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- 3.8. The investigating officer will then produce a report setting out their findings in relation to the disclosure and recommendations as to what further action should be taken.
- 3.9. The investigating officer may direct that a copy of the report be disclosed to you as the person who made the disclosure, but this will be at the investigating officer's entire discretion. However, wherever possible the Trust will seek to keep you briefed as to the progress and outcome of any disclosure, having regard for the legal obligations and business interests of the Trust, such as the protection of confidential data.
- 3.10. If the investigation is protracted, you will be kept informed of progress, and be informed of the likely timescale for conclusion.
- 3.11. Once the investigation is completed, you will be informed of the outcome, and the nature of any action to be taken by the Trust to deal with the concern. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 3.12. At this stage, if you are unhappy with the response, you shall have the right to raise the matter directly and in confidence with the Chair of the Audit and Risk Management Committee. You shall also have the right to ask the Chair of the Audit and Risk Management Committee to refer the matter to the Trust Internal Auditors who shall investigate the matter within a reasonable time period, and normally within 15 working days of receiving the disclosure. In such circumstances the Chair of the Audit and Risk Management Committee shall have the power to incur such reasonable expenses as are necessary to gain legal or professional advice.

Alternatively, if you remain unsatisfied, you can raise it with one of the other key contacts below:

Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 E-mail: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk

4.0 General Principles

4.1. For the Trust

- 4.1.1. The Trust affirms the right of staff to raise issues and will take all reasonable steps to protect complainants from the fear of reprisal and any detrimental treatment, whether or not the complaint proves to be well founded.

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4.1.2. The Trust will not tolerate any harassment or victimisation of employees who make a disclosure. If, at any stage of this procedure a person making a disclosure feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to their line manager.

4.2. For the Complainant

4.2.1. Complaints should not be raised outside the Trust other than through these procedures.

4.2.2. When raising a concern, any personal interest in the matter should be disclosed.

4.2.3. Disclosures made outside of these arrangements, and any allegations raised maliciously, are likely to be treated as gross misconduct, and will be dealt with under the Disciplinary Procedures.

Revision History – Policy for Disclosure of Matters of Public Interest (Whistle Blowing)

Revision date	Reason for revision	Section number	Changes made
16.04.21	Create SAT policy		New policy to replace existing Whistleblowing Policy
June 2021	Legal Review	1.0.1	Removal of term good faith
		1.0.3	Wording of bullet point 1 adjusted.
		1.0.6	Bullet points updated
		1.0.7	Removal of reference to malpractice
		2.0.1	Wording adjusted from malpractice to wrongdoing
		2.0.1	Table updated
		3.0.1 – 3.07	Slight adjustments in wording and terminology
		3.1	Wording adjusted
		3.1.1	Paragraph removed
		3.2	Paragraphs 3.2.1 & 3.2.2 removed Paragraph 3.2.3 now 3.2.1
		3.3.8	Additional wording added on disciplinary action
		3.3.9	Table added to reference helplines
		3.3.10	Level of information reduced
		4.2.1	Information removed as repetition of information in the table
		4.2.2-4.2.5	Renumbered