

Whistleblowing (Public Interest Disclosure) Policy

1. Introduction

1.1 Petroc wishes to promote a culture of openness, honesty and integrity. This policy, approved by the Governing Body, takes into account:

- the recommendation of Lord Nolan in the second report of his Committee on Standards in Public Life that “Local public spending bodies should institute Codes of Practice on Whistleblowing appropriate to their circumstances which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation;”
- the subsequent coming into force of the Public Information Disclosure Act in July 1998; This act inserted a section into the Employment Rights Act 1996 ('ERA') to protect workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The definition of 'protected disclosure' within the ERA was amended by the Enterprise Regulatory Reform Act 2013;

1.2 The Public Information Disclosure Act 1998 (PIDA) provides statutory protection to workers who raise reasonable concerns, which they believe are made in the public interest. Whilst this legislation does not apply to students, the Petroc Whistleblowing Policy extends the same rights of protection described in the PIDA to workers and students alike.

2. Aims of the Policy

- To provide a channel and process for individual workers/students to raise genuine and legitimate concerns about alleged malpractice.
- To protect anyone making a bona fide complaint whilst protecting others from malicious complaints.
- To underline that malpractice is taken seriously and to deter its occurrence.
- To avoid crisis management and public criticism.
- To promote openness and accountability throughout the College.

3. What is Whistleblowing?

3.1 At Petroc, it is the action of a worker or student in disclosing suspected malpractice within the organisation.

3.2 Whistleblowing is the act of reporting suspected malpractice or wrongdoing related to:

- a criminal offence;

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- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a risk to the health and safety of an individual;
- damage to the environment; or
- an attempt to cover up any of the above.

3.3 This procedure is not for the resolution of personal grievances, for example, complaints about issues in respect of an employee's own contract of employment, which should be raised through the College Grievance Procedures. Legitimate concerns should be raised if they are in the interests of the College, staff, students or the public, and must not be raised in furtherance of any private dispute. This policy is designed to cover situations where there is suspected wrongdoing by another person, or persons, within the organisation. A worker should always seek to raise their concerns internally in the first instance.

3.4 If there is a personal interest in making a disclosure, it must be declared.

4. **Principles Underpinning the Policy**

- The opportunity to raise concerns about alleged malpractice (as defined in Section 4 above) outside the line management structure.
- Respect for the confidentiality of the worker or student raising such concerns.
- Protection against retribution or victimisation for any worker or student raising a genuine and legitimate concern which they reasonably believe is in the public interest.

5. **Confidentiality**

5.1 Any worker or student who raises a concern will be entitled to have the matter treated confidentially, as far as possible, and not to have their name disclosed to the alleged perpetrator of malpractice without their prior approval.

6. **Procedure for reporting a concern**

6.1 Reporting a concern ('disclosure')

1. 6.1.1 In order for a disclosure to be a 'qualifying disclosure' it must provide facts and information rather than simply being an allegation. It must also relate to one of the situations listed in 4.1 above.

6.1.2 Although employees are encouraged to speak up via the College management structure, concerns may be raised in writing to the Director of Governance and the Director of Organisational

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Development. In an instance where the allegation relates to malpractice on the part of the Director of Governance, however, the allegation should be made to the Chair of the Audit Committee. Depending on the nature of the allegation, the Director of Governance and/or the Director of Organisational Development may involve the College's appointed internal or financial statements auditors in their investigations. If there is any suggestion of criminal activity, then the Director of Governance and/or the Director of Organisational Development will immediately inform the Police.

- 6.1.3 In line with the College's Financial Regulations, Appendix C, actual or suspected concerns of a financial nature must be reported immediately not only to the Director of Governance and/or the Director of Organisational Development but also to the Vice Principal Finance and Resources (unless the allegation relates to Malpractice on the part of the Vice Principal Finance and Resources). The Vice Principal Finance and Resources or the designated officer (in the case of an allegation against the Vice Principal Finance and Resources) should, within 24 hours, hold a meeting of the designated project group (as defined within Appendix C of the Financial Regulations) to decide on the initial response and action to be taken.
- 6.1.4 Reporting a concern ('disclosure') can be made using a secure email address which is monitored by the Director of Governance and the Director of Organisational Development. The email address is: whistleblowing@petroc.ac.uk.

It is important that you set out clearly the details of the suspected wrongdoing, the names of any individuals involved, and what action (if any) you are seeking.

In some cases it may be necessary to ask you to attend a meeting to clarify the nature of your concerns.

7. **Timescale / Response to Allegations**

- 7.1 Acknowledgement of the concern raised will be sent in writing normally within 10 working days with an explanation of the steps being taken to investigate the matter being raised. The concerned worker/student will regularly be kept informed in writing as to the progress of the investigation and as to when it is likely to be concluded. They will also, as far as possible and subject to the rights of third parties, be told of the outcome of the investigation. All written communication with the concerned worker/student will be to their home address and not through the College internal mail system.

8. **Access to the Governing Body or External Bodies**

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- 8.1 Any worker/student who is not satisfied that his/her concern is being, or has been, properly dealt with shall have the right to raise the matter with the Governing Body by contacting directly the Chair of the Audit Committee. If the Audit Committee finds that the allegation is unsubstantiated then the worker/student shall be advised of their right to contact the College's appointed financial statements auditors.

9. **Malicious Allegations**

- 9.1 Any allegation which subsequently proves to be deliberately false or malicious will be dealt with under the College's Disciplinary Procedures.

10. **Monitoring and Review**

- 10.1 This policy will be monitored and reviewed by the Audit Committee every three years, or earlier if legislative changes are made.

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