



**Greenhead College
Corporation**

WHISTLEBLOWING POLICY

Reviewed May 2019

Purpose

- This Policy is founded on the principle that the College, its employees and Corporation Members should carry out their business and personal conduct in an ethical and principled manner and in line with the values and objectives of the College.
- From time to time, a situation may arise where a member of staff has serious concerns about perceived irregularities in the running of the College or the activities of staff within the College. The concern may be that they are unlawful, or against College policies and/or established standards of practice. Such concerns might relate to, for example, financial malpractice, breach of trust, or departures from statutory or other requirements for good governance. In their second report, the Committee on Standards in Public Life (the 'Nolan Committee') recommended that local public spending bodies should have appropriate channels through which staff can express such concerns (referred to as "Whistleblowing") and that the position in the institution of the individual expressing such concerns should not be jeopardised, provided that they are made lawfully, without malice and in the public interest.
- The Corporation of Greenhead College is committed to a policy which minimises the risk of fraud and corruption in the organisation and welcomes the principles of openness and accountability. It encourages the reporting of any information which might lead to the discovery of a fraudulent or corrupt practice but at the same time it wishes to reassure staff that they will be protected if, as part of the policy, they raise a concern in good faith. This policy aims to encourage and enable staff to raise serious concerns through avenues within the institution through approved channels rather than overlooking a problem or raising the issue outside the institution through unapproved channels. The Whistleblowing Policy reinforces existing procedures and clarifies and secures the position of employees. The College is committed to ensuring compliance with the Bribery Act 2010.
- This Policy is for use by all employees of Greenhead College. The Policy has been considered by stakeholders within the College and is available from the College website.

Existing Controls within Greenhead College

- The Principal has overall responsibility with the Corporation Board for ensuring the Policies, Procedures and ways of operating within College are free from fraud and corruption.

The Audit Committee and Internal Audit

- The College Audit and Risk Committee is a Committee of the Corporation which has the responsibility for ensuring that adequate controls exist to regulate the College's business. It meets at least once each term under specified terms of reference.
- The Corporation appoints Internal Auditors who review College systems in accordance with a planned annual programme. Their reports help to provide assurance that sound arrangements exist for the management of College financial systems. The Internal Auditors submit regular reports to the Audit Committee and report any difficulties encountered. The minutes of the Audit Committee are subsequently reported to the Corporation.

External Audit

- The main duty of the External Auditor is to provide an opinion on the College accounts. They also review the level and effectiveness of internal control within the College and review the work and effectiveness of Internal Audit. The College has a duty to report all suspected fraud to its Internal and External Auditors.

Financial Regulations and Procedures

- The financial systems of the College operate under published formal regulations supported by Financial Regulations. It is a requirement that all senior staff are familiar with this document and adhere to the regulations. A copy of these regulations is available (on request) to all staff.
- Budget holders are supplied with copies of the financial regulations which make reference to the Public Interest Disclosure Policy. Any requests for information regarding the financial regulations should be directed to the Director of Finance and Resources who is responsible for their publication and updating.

Register of Interests

- The Corporation Board has adopted a Register of Interests of Corporation Members and this is maintained by the Clerk to the Corporation. It is the responsibility of Corporation Members to declare any business or commercial interests, which may conflict with their responsibilities and duties as a Member of the College Corporation Board.
- Members of the staff of the College will be expected to maintain a high degree of integrity in their decision making and day to day actions. Whilst there is not a requirement for staff to make public declaration of business and commercial interests, it is expected that no staff member will allow such interests to affect their judgement and actions in carrying out the main business of the College.
- The contract of employment of a member of staff may require them to declare interests which conflict with their role responsibilities. College staff who are budget holders or who can exert financial influence also sign a declaration of interests form each year.

Existing procedures

- Procedures exist to enable staff to work in an environment free from harassment and to raise grievances if they are not being treated correctly. The Whistleblowing policy has a wider application and is intended to cover any form of malpractice, including fraud, theft and corruption. Whistleblowing is not a substitute for the College's Grievance Procedure and is not a channel for staff to raise grievances in relation to their conditions of service and personal circumstances. Staff are encouraged to raise with the Principal any weaknesses in College systems which could lead to abuse.

Acceptance of Gifts and Hospitality

- It is important to distinguish between fraud and corruption. Both are serious matters but fraud tends to be characterised by complicity. Corruption is often more difficult to prove. Accepting money or hospitality is the most obvious form of corruption in public life. Under no circumstances should a gift or concession of any sort be accepted where this could

be construed as a reward for special or unwarranted favours. In the event of any doubt, the Principal should be consulted regarding the acceptance of any gifts.

Safeguards

- The College recognises that a decision to “blow the whistle” can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of the malpractice that is the source of the concern or from the organisation as a whole. The College will not tolerate any victimisation and will take every appropriate action to protect any person who raises a concern in good faith, including any necessary disciplinary action. If a member of staff has a concern they can seek information and guidance with anonymity from the HR office. The law protects individuals who, out of a sense of duty, want to reveal suspected wrongdoing or malpractice. The law allows workers to raise what it defines as a “protected disclosure”. In order to be a protected disclosure, a disclosure must relate to a specific subject matter and the disclosure must be made in an appropriate way. A “protected disclosure” must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely allegations of suspected malpractice.
- The College will strive to protect the identity of any member of staff who raises a concern anonymously and who does not want his/her name disclosed. However, this may not always be possible, as any investigation process may reveal the source of information and a statement by the whistleblower may be a necessary part of the evidence.
- The College will protect individuals from false, malicious or vexatious expressions of concern. Disciplinary action may be taken against any member of staff who is discovered to have made allegations maliciously. In addition, the College will try and ensure that the negative impact of either a false or unfounded allegation on any “accused” person is minimised where possible. Such allegations will not be kept on the personal file of the “accused” person.
- Concerns expressed anonymously will be considered at the discretion of the College, considering the seriousness and the credibility of the concern.
- An individual will not suffer dismissal or detrimental action by the College for making a disclosure. Where an individual is bullied or harassed by a colleague for making a disclosure, the College will take disciplinary action against the colleague in question.

Procedure for Reporting Concerns

- An individual wishing to raise a concern may, in the first instance, contact the HR office to obtain a copy of the Whistleblowing procedure and have explained to them the process. However, it should be noted that if an individual detects a possible instance of fraud or corruption they have a responsibility to report the matter. Such instances include, but are not limited to suspicions that:
 - a criminal offence has been or is being committed or is likely to be committed
 - an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - a miscarriage of justice has occurred, is occurring or is likely to occur
 - the health and safety of any individual, has been, is being or is likely to be damaged
 - the environment, has been, is being or is likely to be damaged
 - information tending to show any of the above, is being, or is likely to be, deliberately concealed.

- Concerns should normally be raised with the line manager of the member of staff, however, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. Staff may therefore contact any of the following, who will be trained to deal with the procedure for handling concerns:
 - a. their Line Manager
 - b. a member of the Senior Management Team
 - c. the Principal
 - d. the Clerk to the Corporation
 - e. an outside body e.g. a trade union or legal representative
- If a member of staff believes that the Senior Management of the College are involved in the issues that are a matter of concern, contact should be made with the Clerk to the Corporation, or the Chair in the case of the Clerk wishing to raise the concern.
- Staff may contact their trade union or professional association to raise an issue on their behalf.
- Whilst staff will not be expected to prove the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are reasonable grounds for concern.
- Issues may be raised in person or in writing but the full extent of the allegations should be made clear.
- If an anonymous disclosure is made, the college will not be in a position to feed back on action taken. The College will also have the right to determine whether to apply this policy following an anonymous disclosure in the light of the seriousness of the matter raised, the credibility of the concern and how likely that the concern can be confirmed from credible sources.

Procedure for dealing with issues raised

- It is important that all matters are handled in confidence and not discussed outside those directly involved as far as possible.
- Concerns or allegations raised which fall within the scope of specific established procedures may be referred for consideration under those procedures. Concerns should not be brought under this procedure where the college already has guidelines/procedures in place to deal with the issue e.g. purchase of IT equipment.
- A referral of a concern will be acknowledged by the person having received the concern, within five working days and an indication given of how the College proposes to deal with the issue within 10 working days of the initial concern.
- As detailed a written record as possible of all salient points and dates should be kept by the person to whom the allegations were made.

- The College will determine whether or not it believes that the disclosure is without substance or merit of further investigation. If so, the individual making the allegation will be advised that no further action will be taken and the reasons for this decision.
- Details of the allegation should be notified to the Chair of the Audit committee either directly or through the Clerk to the Corporation.
- Some concerns may be capable of resolution by agreed action without the need for investigation.
- The College will take action it deems appropriate in the circumstances to investigate a disclosure. However, usually the matters raised will be investigated by management, by internal audit or through disciplinary procedures. Alternatively they may be subject to independent enquiry. Relevant matters may also be subject to investigation by police. The individual making the disclosure will be notified about the outcome of the investigation within a reasonable period of time. If the individual is not satisfied that their concerns have been suitably addressed, they may appeal directly to the Chair/Vice Chair of Governors as appropriate.
- Therefore, any person as identified above who receives a concern should contact the Principal so that an appropriate course of action can be agreed. If appropriate, initial enquiries would be made to assist in determining the most appropriate process for the consideration of the concern. Alternatively, a senior manager may be requested to undertake further work to establish the facts so the College's Internal Auditors may be asked to assist.
- A record of all disclosures will be maintained by the HR department and will be reported to the Corporation on an annual basis.
- Employees of the College can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are:

3rd Floor Bank Chambers
6 – 10 Borough High Street
London SE1 9QQ

“This policy has been impact assessed to ensure it complies with all aspects of Equality and Diversity.

This policy is compliant with current equality legislation”.

Author:	Clerk to the Corporation
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