

## **BURNLEY COLLEGE'S WHISTLEBLOWING CODE OF PRACTICE**

### **Purpose**

1. The purpose of the Whistleblowing Code of Practice is to:

Outline what you should do if you suspect something happening at work is putting you or others in danger, or is illegal or unethical.

The Public Interest Disclosure Act 1998 (PIDA) and subsequent additions apply to all staff, clients, or any third party (such as contractors) and encourages individuals to raise serious concerns ('blow the whistle') within their organisation. The legislation protects them from victimisation after making a 'qualifying disclosure'; a disclosure of information, which, in the reasonable belief of the worker making the disclosure, is made in the public interest.

Under **no** circumstances do College staff have the right to speak with the press or make any allegation public (including via social media), without using this internal process to enable a full investigation to take place. All press communications are to be channelled through the Principal and the Marketing Department.

### **Our College**

2. Our staff, students and governors form and make up our College, setting our culture and expectations. The College's reputation is the combined reputation of each member of staff in the work they undertake and the impact they have and each student adds to our reputation, via their successes. Our staff and governors help to continue to strengthen our reputation through the business community, the public bodies and the key stakeholders with whom we associate on a daily basis. As such, when we refer to the College within this code of practice, we are referring to each and every member of staff, student and governor.
3. We are committed to the highest standards of openness, probity and accountability. Our College Charter and the Governor and Student Codes of Conduct lay down the foundation of how each group should operate. All staff and governors have been involved in the development of the Charter or Code of Conduct and everyone, including students, is required to comply with the principles outlined. We operate with sound business ethics, to maintain the reputation we have worked hard to achieve over the last 150 years. In line with that commitment, we expect staff, students, governors and any other parties that we deal with who have serious concerns about any aspect of the College's work, to come forward and voice those concerns to us.

### **Our commitment to you**

4. Individuals will be protected from reprisals or victimisation if they raise a disclosure in good faith, with a reasonable belief that the disclosure is made in the public interest. Any concerns raised will be dealt with professionally and ethically and the person raising the concern will be notified of the decision where appropriate. Individuals will also be made aware of how to pursue a matter if they are not satisfied.

5. We will consider it a serious disciplinary offence where anyone acts to prevent or deter an individual from raising a genuine concern
6. We encourage staff/students to raise concerns in good faith where they:
  - believe the concern to be substantially true.
  - are **not** acting maliciously or making false allegations.
  - have no personal gain from raising the concern
  - are doing so in the public interest

### **Examples of protected concerns**

7. Examples may include activities which you suspect:
  - are criminal
  - may put health and safety at risk
  - may damage the environment
  - represent a miscarriage of justice
  - are an unauthorised use of public funds or are possibly fraudulent and corrupt
  - fail to comply with a legal or safeguarding obligation or regulation
  - are unprofessional, inappropriate, or conflict with a general understanding of what is right and wrong
  - are an attempt to conceal one or more of these activities

### **The Public Interest**

8. In general terms, 'in the Public Interest' means the issues/concerns raised must affect others (e.g. the general public), rather than a private workplace dispute.

### **Confidentiality**

9. All staff have a duty to express concerns, in order to provide the College with an opportunity to remedy them.
10. We encourage staff to put their name to an allegation, as concerns expressed anonymously are more difficult to investigate, resolve and feedback (if appropriate). With this in mind, we will not normally be able to react to an anonymous communication, except in exceptional circumstances.
11. The College cannot guarantee the anonymity of individuals raising concerns, where retaining anonymity is incompatible with the investigation. In any such instance, staff will be informed before action is taken.
12. Where a concern meets the definition of a Protected Disclosure, the individual raising it is protected from reprisals under this code of practice. All whistleblowers are afforded the same protection; so similarly, there must be no reprisal against others who have raised concerns. Any such behaviour may result in a disciplinary sanction.

### **Links with other policies:**

13. Where the College deems a disclosure does not qualify as a Protected Disclosure and/or therefore is not covered by whistleblowing legislation, it retains the right to deal with it under other College policies and procedures, including:
- Safeguarding Children and Vulnerable Adults
  - The College Complaints Procedure
  - The Staff Grievance Procedure
  - The College Disciplinary Procedure

### **Process - raising your concern:**

14. In most cases, concerns should be raised with line managers, unless the concern is of a very serious nature, relates to the manager, the Clerk to the Corporation or other Senior Manager. In such an instance, concerns should be raised with the Principal. Any case relating to the Principal should be raised with the Clerk to the Corporation, who will liaise with an appropriate Governor.
15. You should explain that you believe you are raising a concern under the Whistleblowing Code of Practice and clearly set out the key facts, dates and the names of people involved
16. Staff are reminded that under no circumstances do they have the right to speak with the press. If a member of staff makes any allegation public (including via social media) without using the internal process to enable a full investigation to take place, this will be considered a serious disciplinary matter, which may result in dismissal. All press communications are to be channelled through the Principal and the Marketing Department.

### **The Investigation Process**

17. A manager and the Head of Human Resources or Clerk to the Corporation (depending on those involved) will normally determine the appropriate method of investigation and the Investigating Officer. Where serious issues have been raised however, the Principal and the Head of Human Resources, Clerk to the Corporation or appropriate Governor may determine the investigative arrangements.
18. The method of investigation and those involved will vary according to the circumstances, but a meeting will usually be arranged to investigate matters and individuals can choose whether they wish be supported at that meeting with a trade union representative or colleague. The representative however, cannot answer questions put directly to the individual, or try to prevent the College asking questions or outlining its views. Any investigation may also involve the need to interview other staff to determine what action, if any, is appropriate.
19. The involvement of the Police and/or any relevant agency will be instigated in the case of criminal activity.

20. Where appropriate, individuals will be advised of the progress of the investigation or where the investigation becomes protracted for any reason.
21. Most concerns raised are done so in good faith, but occasionally someone makes a false allegation out of malice or because they have something to gain. Anyone found doing so will face action under the College’s Disciplinary Procedure and may be dismissed for misconduct or even gross misconduct.

**Notification of the Outcome**

22. Once a disclosure has been made, it is the responsibility of the College to deal with and some details by their very nature may remain confidential. Where appropriate however, individuals will be advised when matters have been concluded.

**Appeal Procedure**

23. Appeals will usually be heard by the Principal. Where the person raising the concern is dissatisfied with the process or progress, they may write to the Head of Human Resources or Clerk to the Corporation, stating their concerns. The Principal will then make a final decision on any action to be taken following a review of the evidence and you will be notified of the outcome.
24. Only after this procedure has been fully exhausted does an individual have the right to access an appropriate external body regarding their disclosure. Such bodies may include the Police/HEFC/Ofsted/the Health and Safety Executive/ External Audit organisations.

**Further Information**

25. You can seek further advice on whistleblowing, protecting confidentiality and protection from reprisals at [gov.uk](http://gov.uk) and [protect-advice.org.uk](http://protect-advice.org.uk) .

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