



ESHER COLLEGE

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY.

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1. INTRODUCTION

- 1.1 Employees and others directly involved in College activities are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, governors and others involved with College activities, who have serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 The Confidential Reporting Policy is intended to encourage and enable employees, governors and others to raise serious concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 1.4 The policy applies to all employees, governors and others on College site(s), including those contractors working for the College on College premises, for example, agency staff, builders. It also covers suppliers and those providing services under a contract with the College in their own premises. If a student wishes to raise a concern or complaint, the Complaints Procedure as detailed in the College Charter should be followed.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees of the College or Corporation members or others acting on behalf of the College can be reported under the Confidential Reporting Policy.

Concerns should be raised if something makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the College subscribes to **or** falls below established standards of practice **or** amounts to improper conduct.

These may include:

- conduct which is an offence or a breach of law
- disclosures relating to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds and/or possible fraud and corruption
- abuse of students, or other unethical conduct
- possible contravention of the College's Articles and Instruments and/or policies

3. SAFEGUARDS

3.1 Harassment or Victimisation

3.1.1 The College is committed to good practice and high standards and wants to be supportive of employees, governors and others associated with it.

3.1.2 The College recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your College as a whole.

3.1.3 The College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect you.

3.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

3.3 Anonymous Allegations

3.3.1 This policy encourages you to put your name to your allegation whenever possible.

3.3.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.

3.3.3 In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

3.4 **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you

4. **HOW TO RAISE A CONCERN**

4.1 As a first step, you should normally raise concerns with the Vice Chair of the Corporation for governors or the Deputy Principal in the case of all others. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your normal route is not appropriate for any reason you should raise your concerns with the Chair of the Corporation or Principal, as appropriate.

4.2 Concerns may be raised verbally or in writing. A written report should be to the following format:

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation.

4.3 The earlier you express the concern the easier it is to take action.

4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Principal, Deputy Principal, Clerk to the Corporation or the Learning and Skills Council

5. **HOW THE COLLEGE WILL RESPOND**

5.1 The College will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

5.2 Where appropriate, the matters raised may:

- be investigated by management, or the Special Committee of the Corporation, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the College will have in mind is the public interest.

- 5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken into account before any investigation is conducted.
- 5.5 Within **ten** working days of a concern being raised, the responsible person (as outlined in 4.1 above) will write to you:
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - supplying you with information on relevant support mechanisms, and
 - telling you whether further investigations will take place and if not, why not
- 5.6 The amount of contact between the person(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the College will seek further information from you.
- 5.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a friend.
- 5.8 The College will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the College will arrange for you to receive advice about the procedure.
- 5.9 The College accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

6. HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1 This policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair of the Corporation or the Principal as appropriate.
- 6.2 If you are still not satisfied you may feel it is right to take the matter outside the College. The following are possible contact points:
- the Learning and Skills Council
 - the external auditor MacIntyre Hudson (telephone 020 7583 7575)
 - your trade union
 - your local Citizens Advice Bureau
 - relevant professional bodies or regulatory organisations
 - The charity Public Concern at Work telephone 020 7404 6609 or email helpline@pcaw.co.uk (a relevant voluntary organisation)
 - the police

If you do take the matter outside of the College, you need to ensure that you do not disclose otherwise confidential information.