

August 2016



WHISTLEBLOWING POLICY AND PROCEDURE (PUBLIC INTEREST DISCLOSURE)

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Originator: Sharon Barron, Clerk to the Corporation

**If you require this information in large print, on audio tape or
in another format:**

**Please telephone the Clerk's Office on 01792 284222
or e-mail: sharon.barron@gowercollegeswansea.ac.uk**

1. INTRODUCTION

- 1.1 Gower College Swansea is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The college encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College.
- 1.3 This policy and procedure also aims to encourage workers to raise genuine concerns through internal College procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.6 No disciplinary action will be taken against a worker on the grounds of a disclosure made in accordance with this procedure unless it is established that the disclosure was malicious or vexatious. However if an employee has abused this policy to make false or malicious allegations this will be treated as a serious disciplinary offence under the College disciplinary procedures.
- 1.7 Learners at the College are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint through the complaints procedure. This policy and procedure is designed for the use of workers in the College.

2. APPLICABILITY OF THIS POLICY AND PROCEDURE

- 2.1 This policy applies to:
 - all employees of the College, including apprentices;
 - Workers which includes any casual workers; home based casual workers; and employees of subcontractors; and
 - Agency workers on assignment within the College.

- 2.4 Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the College's grievance procedure. Any worker in this situation is encouraged to approach the Clerk to the Corporation or the Head of HR in confidence for advice.

3. PROTECTED DISCLOSURES

- 3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 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 (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). 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 specific information and not merely be allegations of suspected malpractice.

4. SPECIFIC SUBJECT MATTER

If in the course of employment a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence (for instance fraud, financial or academic irregularity, corruption, bribery or blackmail) has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur;
- That the health or safety of any individual has been, is being, or is likely to be endangered;
- That the environment, has been, or is likely to be, damaged;
- That information tending to show any of the above is being, or is likely to be, deliberately concealed.

5. PROCEDURE FOR RAISING A CONCERN OF MALPRACTICE

- 5.1 This procedure applies to disclosure by a worker who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with Gower College Swansea (whether on the part of another employee, a member of the Corporation Board, or any other person(s)).
- 5.2 The worker should telephone the following number:

01792 284222 The Clerk's Office, Hill House

or E-mail:

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sharon.barron@gowercollegeswansea.ac.uk

or write to:

Private and Confidential: Addressee Only (PID)
The Clerk to the Governing Body
Gower College Swansea
Tycoch Road
Swansea
SA2 9EB

5.3 Calls to this telephone number will be answered by the Clerk to the Corporation.

5.4 In exceptional circumstances for example where the allegation of malpractice involves the Clerk to the Corporation, the complainant should contact the Chair of the Corporation, through the PA to the Principal prior to contacting the College's solicitors at the following address:

Blake Morgan
One Central Square
Cardiff
CF10 1FS

5.5 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues.

Public Concern at Work
7-14 Great Dover Street
London SE1 4YR

Whistleblowing advice line: 020 3117 2520

www.pcaw.org.uk

5.6 The worker should disclose to the Clerk to the Corporation, in confidence, the grounds for the belief of malpractice. The Clerk will refer the disclosure to one of the Designated Assessors as soon as possible.

5.7 The procedure to be followed by the Designated Assessor is attached at Appendix A.

5.8 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymized disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

6. DESIGNATED ASSESSORS

6.1 The Corporation Board will ensure that at least two members of the Corporation of appropriate experience and standing within the College are designated at any time for the purpose of this procedure as *Designated Assessors* and that one of the members shall be designated as *The Lead Assessor*.

6.2 The Corporation Board will select any new Designated Assessor(s). The current Designated Assessors are:

- Mrs Chantal Patel (Lead Assessor);
- Mr Ray Singh;
- Mr Gary Williams.

The Corporation Board may revoke any such designation from time to time and appoint new Designated Assessors following the selection procedure as outlined above.

6.3 The Lead Assessor will co-ordinate the training of the Designated Assessors in the use of this procedure.

6.4 On behalf of the Lead Assessor, the Clerk to the Corporation will produce an annual report to the Audit Committee and the Corporation Board of the number of occasions when this procedure has been formally invoked and the outcome.

7. DISCLOSURE TO EXTERNAL BODIES

7.1 This policy and procedure has been implemented to allow workers to raise disclosures internally within the College. A worker has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.

7.2 Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website.

7.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

- 7.4 If a worker seeks advice outside of the College they must be careful not to breach any confidentiality obligations or damage the College's reputation in so doing.

8. ACCOUNTABILITY

- 8.1 The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore no action should be taken) and will report to the Corporation Board, through the Audit Committee, on an annual basis.

9. FURTHER ASSISTANCE FOR WORKERS

- 9.1 The College will not tolerate any harassment or victimization of workers who make disclosures. If at any stage of this procedure a worker 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 the Head of HR.
- 9.2 A worker making a disclosure may want confidentially to request counselling, or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Head of HR Services. Such a request would be made in confidence.

10. REVIEW OF PROCEDURE

- 10.1 The Corporation Board may amend this procedure from time to time, following discussions with staff and key stakeholders.
- 10.2 This procedure will be reviewed every two years or earlier if appropriate. Any comments or suggestions about the procedure should be referred to a Designated Assessor or to the Clerk by:

Phone: 01792 284222

E-mail: sharon.barron@gowercollegeswansea.ac.uk

Write to:

**Private and Confidential: Addressee Only (PID)
The Clerk to the Corporation
Gower College Swansea
Tycoch Road
Swansea
SA2 9EB**

11. The Welsh Language

Gower College Swansea is committed to the promotion of the Welsh language and will endeavour to address and support the needs of Welsh speakers in accordance with the College's Welsh Language Scheme.

Coleg Gwyr Abertawe yn ymrwymedig i hyrwyddo'r iaith Gymraeg a bydd yn ymdrechu i ddelio ag anghenion siaradwyr Cymraeg â'u cefnogi yn unol â Chynllun Iaith Gymraeg Y Coleg.

INVESTIGATING THE DISCLOSURE – DESIGNATED ASSESSOR

1. The Designated Assessor (DA) will offer to interview the worker making the disclosure in confidence as soon as possible but normally within 10 working days of the disclosure. The purpose of the interview will be for the DA to obtain as much information as possible about the grounds for the belief of malpractice and to consult with the worker about further steps which could be taken.
2. The worker may be accompanied by a Trade Union representative or work colleague at the interview. The DA may be accompanied by an administrator to take notes.
3. A copy of the written record will be made available to the worker after the meeting. All correspondence with the worker will be in writing to his or her home address.
4. The DA will conduct preliminary investigations as soon as possible and normally within 10 working days of the interview and, following this, may recommend what further steps should be taken.
5. The DA will consult such internal staff or managers, College appointed auditors or other external bodies as may be deemed appropriate.
6. Recommendations as to further steps to be taken may include
 - Further internal or external investigation
 - That the matter should be reported to the Welsh Government, Wales Audit Office or other appropriate external body.
7. Recommendations should be made by the DA to the Principal unless it is alleged that the Principal is involved in the malpractice, or there are other reasonable grounds not to do so, in which case the recommendations should be made to the Chair of the Corporation Board.
8. The recipient of the recommendations will:
 - Take all steps within his or her power to ensure that the recommendations are implemented except to the extent that in the view of the recipient there are good reasons for not doing so;
 - Submit an action plan (including timescales) to the DA within 10 working days of receipt of the recommendations, concerning implementation of the recommendations.
 - Notify the Chair of the Corporation Board and the DA in writing if they have decided not to implement fully any recommendations, giving reasons.
9. The DA will notify the worker of the decision and if no further steps are proposed the DA will provide the worker with reasons for this.

10. The grounds on which the DA may recommend that no further action should be taken by the College are as follows:
 - That the DA is satisfied that the worker does not have a reasonable belief that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - That the matter concerned is already the subject of legal proceedings, or has already been referred to any of the external bodies as noted above; or
 - That the matter is already (or has already been) the subject of proceedings under one of the College's other procedures relating to staff or students.

11. If the worker is not satisfied that their concerns are being dealt with satisfactorily they can raise the matter with the Principal.

Whistleblowing Policy



