



## Whistleblowing Policy

Key Information	
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ELT Post responsible for policy update and monitoring	Principal / CEO
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Date approved by corporation board (if applicable)	21 May 2020
Date of next policy review	01 April 2023

# WHISTLEBLOWING POLICY

## 1. Purpose of this Policy

- 1.1 The purpose of this policy is to encourage disclosure of concerns about malpractice in the College so that those concerns can be investigated, without fear of reprisals, so long as the concerns are genuine and made in the public interest. The meaning of 'malpractice' is explained in section 2.

## 2. Scope of this Policy

- 2.1 This policy applies to all staff including agency staff, volunteers, contractors, and also to members of the Corporation and its supporting committees.
- 2.2 There are existing procedures in place to enable employees to raise grievances about their personal employment situation. This policy is not intended to cover concerns that fall within the scope of those other procedures, nor to provide a means of review or appeal against individual management decisions unless in each case they involve malpractice. There is no legal definition of 'whistleblowing' or of 'malpractice'.
- 2.3 Whistleblowing can be described as the action of an individual exposing evidence of wrongdoing in the context of the workplace. For the purpose of this policy, 'malpractice' in relation to the College means:
  - a. fraud, theft, corruption, bribery or other financial irregularities;
  - b. other criminal activities or dishonesty;
  - c. failure to comply with a legal obligation, the staff code of conduct, the financial regulations or the Corporation's Standing Orders;
  - d. a miscarriage of justice;
  - e. creating or ignoring a serious risk to health, safety or the environment; and
  - f. the deliberate concealment of any of the above matters (whether by other employees, contractors, the public or members of the Corporation).

## 3. Procedure for Raising Concerns

- 3.1 Genuine concerns about suspected malpractice affecting any of the College's activities should be raised at the earliest opportunity with your line manager, a member of the Executive Leadership Team or Senior Leadership Team. If this is inappropriate, perhaps because of the seriousness of the allegations or because of who is believed to be involved, concerns should be raised with the Principal. If this too, is inappropriate, concerns should be raised with the Chair of the Corporation (directly or through the Clerk to the Corporation) or the Chair of the Audit & Risk Committee of the Corporation. In any case involving an allegation of fraud or other financial irregularities, the Chair of the Audit & Risk Committee should also be notified.
- 3.2 Concerns must be raised in writing, setting out the background, history and reasons for the concern, giving names, dates and places where possible. If you feel unable to put your concern in writing, you can telephone or meet the appropriate person and a note of your concern will be made.
- 3.3 If you raise a concern and do not want your name to be disclosed to the perpetrator of the alleged malpractice, the person(s) with whom you raise the concern will not do so without your prior approval. You should appreciate that if the investigation process is to be carried forward

effectively, your identity may have to be revealed and a statement by you may be required as part of the evidence.

3.4 If the allegation is an accusation of abuse, then the Safeguarding Procedures should be followed

#### **4. The College's Response**

4.1 The action taken by the College will depend upon the type of concern. The matters raised may be:

- a. investigated internally;
- b. reported to the police (this will normally be the case if criminal activity is suspected), the internal or financial statements auditors, or the Education Skills Funding Agency;
- c. or any combination of the above.

4.2 Initial enquiries will be made promptly to decide whether an investigation is appropriate and, if so, what form it should take. Concerns which fall within the scope of specific procedures (for example, harassment or discrimination issues) will normally be referred for consideration under those procedures.

4.3 Some concerns may be resolved by agreed action without the need for investigation.

4.4 Within ten working days of your concern being received, you will normally receive an acknowledgement. Thereafter, while it is not possible to stipulate specific timescales due to the nature of investigations of this type, you will be kept generally informed on how the matter is to be dealt with and the progress and outcome of the investigation.

4.5 The amount of contact between the person(s) considering your concerns and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

#### **5. Escalation**

5.1 This policy is intended to provide you with a way of raising concerns within the College. If, having used the alternatives above you are not satisfied with how the matter has been addressed and you feel it is right to take the matter outside the College, the following are possible contact points:

- a. the financial statements auditors;
- b. a legal adviser;
- c. the police;
- d. a member of parliament; or
- e. a trade union;

5.2 In addition, Public Concern at Work, an independent, non-statutory charitable body, provides advice to individuals with concerns about malpractice at any time. (See Appendix 1).

#### **6. Protection for Whistle-blowers and Penalties for Abuse**

6.1 The College will take reasonable action to protect you when you raise a concern which you reasonably believe to be in the public interest. Such action will be as follows:

- a. confidentiality clauses in contracts of employment will not be applied to the raising of such concerns under this policy; and
  - b. any action designed to prevent or deter an individual from raising a genuine concern of malpractice or to victimise an individual for doing so will be regarded as a serious disciplinary offence.
- 6.2 Unless proved otherwise it will be assumed that the person using this policy has a genuine concern and is not making the disclosure for personal gain or out of personal motive, even if an investigation results in the concern proving unfounded, provided that the person using this policy had reasonable grounds for believing that the information disclosed indicated the commission of malpractice.
- 6.3 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment you should inform your line manager or a member of the Executive Leadership Team immediately. If the matter is not resolved, you should raise it formally using the grievance procedure.
- 6.4 This protection does not mean that if you are already the subject of disciplinary or other procedures relating to your employment, that those procedures will be halted as a result of your whistleblowing.
- 6.5 Abuse of this policy by the malicious raising of unfounded allegations will be considered a serious disciplinary offence.

## **7. Anonymous Complaints**

- 7.1 Concerns expressed anonymously are much less powerful, can be difficult to investigate effectively and may deprive those alleged to be guilty of malpractice of part of the means by which to defend themselves. Anonymous complaints may, however, be considered at the discretion of the College, taking into account the nature and seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.
- 7.2 Recipients of anonymous complaints should refer them to the Principal, who may, after taking into account the above factors, discuss the matter, initially informally, with the subject of the complaint. If the Principal is satisfied that the complaint is totally without foundation, the complaint will be destroyed. If the complaint relates to the Principal, it should be referred to the Chair of the Corporation or the Chair of the Audit Committee of the Corporation, who will, after taking into account the above factors, treat the complaint in the same way as above.

## **8. Monitoring**

- 8.1 The Corporation will monitor the reporting of concerns under this policy as part of its monitoring of complaints generally.

## Appendix I: Contact Details

- I. **Corporation**  
**Chair of the Corporation:**  
Dame Patricia Bacon  
C/O The Clerk to the Corporation  
Cheshire College South and West  
Dane Bank Avenue  
Crewe  
Cheshire  
CW2 8AB  
Tel: 01270 654633  
**Chair of the Audit & Risk Committee:**  
Mr Fintan Bradley (contact as above)
  
- a) **Financial Statements Auditors:**  
BDO Manchester  
BDO LLP, 3 Hardman Street  
Spinningfields  
Manchester, M3 3AT
  
- b) **Public Concern at Work**  
Whistleblowing Advice Line: 020 7404 6609  
General enquiries: 020 3117 2520  
Advice line: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)  
Media enquiries: [press@pcaw.org.uk](mailto:press@pcaw.org.uk)  
Business support services: [services@pcaw.org.uk](mailto:services@pcaw.org.uk)  
CAN Mezzanine  
7 - 14 Great Dover Street  
London SE1 4YR