

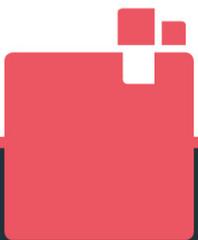
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For the future you want

Whistleblowing

Policy & Procedure



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1. POLICY STATEMENT

Edinburgh College is committed to conducting its business with honesty and integrity, and all employees are expected to maintain the high standards set out in the College's policies and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them if they do occur.

2. PURPOSE & SCOPE

This policy and procedure applies to all individuals working within, or for, the College eg

- employees of the College;
- members of the Board of Management;
- self-employed contractors;
- agency workers;
- casual workers; and
- volunteer workers

collectively referred to here as **employees and workers**.

The aims of this policy and procedure are:

- to encourage employees and workers to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected wherever possible;
- to provide employees and workers with guidance regarding how to raise concerns, and regarding the steps the College will take to address those concerns;
- to reassure employees and workers that they should be able to raise genuine concerns without fear of reprisals, even if their concerns turn out to be mistaken.

This policy and procedure does not apply to:

- concerns, problems or complaints raised with the College by an employee relating to their own employment (in such cases, employees should use the Grievance Policy & Procedure);
- matters that have previously been addressed under this policy and procedure;
- issues that the Governance Director (or their nominee) considers do not fall within the whistleblowing definition below.

If an employee or worker is uncertain whether something is within the scope of this policy and procedure, they should seek guidance from the Governance Director (see contact details in Appendix A below). The Governance Director's (or their nominee's) decision here will be final.

This policy adheres to the SSSC Codes of Practice (2016) for Social Service Workers and Employers, specifically section 2.5.

3. WHAT IS WHISTLEBLOWING?

Whistleblowing is the disclosure of information that relates to suspected wrongdoing or dangers at work, and that is in the public interest. This may include:

- criminal activity
- danger to health and safety
- damage to the environment
- failure to comply with any legal or professional obligation or regulatory requirements
- bribery
- financial fraud or mismanagement
- negligence
- breach of the College's internal policies and procedures
- conduct likely to damage the College's reputation
- the deliberate concealment of any of the above matters

A whistleblower is a person who raises a genuine concern relating to any of the above. Any employee or worker with a genuine concern related to suspected wrongdoing or danger affecting any College activities (a whistleblowing concern)

should report it under this policy and procedure. It is not necessary for the employee or worker to have any proof of the wrongdoing or danger – a reasonable belief is sufficient.

4. CONFIDENTIALITY

It is intended that employees and workers will feel able to voice whistleblowing concerns openly under this policy and procedure.

However, if an employee or worker raises a whistleblowing concern internally (e.g. to the Governance Director or other Director - see “Raising A Whistleblowing Concern Internally” section below) and would prefer that no one else is made aware of their identity, this request will be considered and their name will not be revealed without their consent, unless required by law. If it is considered necessary or helpful (e.g. for the purposes of carrying out an appropriate investigation) under these circumstances for anyone else to be made aware of the employee or worker’s identity, this will be discussed with the employee or worker in advance. Employees and workers should be aware that, even if their name is not mentioned, other people may attempt to deduce their identity.

If an employee or worker raises a whistleblowing concern anonymously, proper investigation may be more difficult or impossible as further information cannot be obtained from them. It may also be also more difficult to establish whether any allegations are credible.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should refer to the “Support & Protection for Whistleblowers” section below. They may also contact the Governance Director (or other Director, as applicable) to discuss what measures might be taken to preserve confidentiality. Employees and workers can seek advice from Public Concern At Work, the independent whistleblowing charity, who offer a confidential helpline (see contact details in Appendix A below). Employees and workers who are members of a trade union may be able to seek advice from their trade union.

5. RAISING A WHISTLEBLOWING CONCERN INTERNALLY

1. Raising A Whistleblowing Concern

- In many cases it will be possible for employees and workers to raise a concern with their line manager, either in person or in writing.
- The line manager may be able to investigate and resolve the concern quickly and effectively themselves.
- Where the line manager feels unable to resolve the concern, they should refer the matter to the Governance Director (or, where the Governance Director is unavailable, to the Chief Operating Officer or the Deputy Principal/VP People, Performance and Planning).
- Where employees and workers feel the matter is more serious, feel that their line manager has not addressed their concern or prefer not to raise the matter with their line manager for any reason, they should contact the Governance Director.
- If for any reason employees and workers do not feel able to raise their concern with the Governance Director, or if the Governance Director is unavailable, they should contact the Chief Operating Officer or the Deputy Principal/VP People, Performance and Planning.
- Contact details are set out in Appendix A below.

2. Investigation & Outcome

- The Governance Director (or other named contact, as applicable) will seek to arrange a meeting with the employee or worker as soon as reasonably practicable to discuss their concerns. The employee or worker may bring a suitable companion to any such meeting (see “Companions” section below).
- If the employee or worker has not set out their concern clearly in writing, the Governance Director (or other Director, as applicable) will produce a written record of their concern following the meeting and provide them with a copy.
- The Governance Director (or other named contact, where applicable) will then assess whether there is a need for further investigation. The employee or worker will be informed of the outcome of this assessment, and may then be invited to attend one or more additional meetings in order to provide further information. The employee or worker may bring a suitable companion to any additional meetings (see “Companions” section below).
- In some cases the Governance Director (or other named contact, as applicable) may decide to appoint a separate investigator or team of investigators. Investigators will normally be employees with experience of investigations and/or specialist knowledge of the subject matter. However investigators may also be external (e.g. employees of another college) if the College considers that this would be appropriate due to the nature of the concern. The investigator(s) may make recommendations (e.g. regarding action that the College might take to minimise the risk of future wrongdoing).
- Employees and workers will be kept informed of the progress of the investigation and its likely timescale.
- Employers and workers will be notified in writing regarding the outcome of the investigation. Sometimes the need for confidentiality may mean that specific details of the investigation, or any action the College takes or plans to take as a result, must be withheld by the College. Employees and

workers should treat any information about the investigation, and its outcome, as confidential.

- No party can make audio or video recordings of any meeting held under this procedure without the prior written permission of all those present at the meeting.

3. Dissatisfaction with Outcome

- Every reasonable effort will be made by the College to deal with concerns fairly and in an appropriate way.
- If an employee or worker is not happy with the way in which their concern has been handled, they can raise this with one of the other key contacts in Appendix A below. Alternatively they may contact the Chair of the Board of Management Audit & Risk Assurance Committee. If for any reason they do not feel able to contact the Chair of the Audit & Risk Assurance Committee, they may contact the College's external auditors. Contact details are set out in Appendix A below.

4. Companions

- Employees and workers may be accompanied at meetings held under this procedure by a suitable companion (e.g. representative of a recognised trade union, or employee of the College).
- The College reserves the right to determine the suitability or otherwise of a companion (e.g. if, in exceptional circumstances, it is felt that there may be a possible conflict of interest or if the companion's presence may prejudice the investigation, the College may refuse to allow a named companion to attend and suggest that the employee or worker brings someone else).
- Any companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. RAISING A WHISTLEBLOWING CONCERN EXTERNALLY

The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within the College. In most cases employees and workers should not find it necessary to alert anyone externally.

The law recognises, however, that in some circumstances it may be appropriate for employees and workers to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees and workers are strongly encouraged to seek advice from a relevant organisation such as Public Concern at Work, which also holds a list of prescribed regulators for reporting certain types of concern, before reporting a concern externally.

Whistleblowing concerns usually relate to the conduct of employees, but they may sometimes relate to the actions of a third party, such as a customer, supplier, service provider or student. In some circumstances the law will protect employees and workers who raise the matter with the third party directly, however the College encourages them to report such concerns internally first. Employees and workers may contact one of the individuals identified in the “Raising A Whistleblowing Concern Internally” section above for guidance.

7. PROTECTION & SUPPORT FOR WHISTLEBLOWERS

It is understandable that whistleblowers are sometimes worried about possible repercussions. The College aims to encourage openness and employees and workers who raise genuine concerns under this policy and procedure will be supported, even if they turn out to be mistaken.

Employees and workers must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, bullying, harassment, unlawful discrimination, victimisation or other unfavourable treatment. If any employee or worker believes that they have suffered any such treatment, they should inform the Governance Director (or other named contact, as applicable) immediately. If the matter is not remedied employees may raise the issue formally using the College’s Grievance Policy & Procedure.

Employees and workers must not threaten, or retaliate against, whistleblowers in any way. Any employee involved in such conduct may be subject to disciplinary action, up to and including dismissal. If the person involved in such conduct is not an employee, the College will take alternative appropriate action.

8. FALSE & MALICIOUS ALLEGATIONS

If investigation finds that an employee has made false allegations maliciously, or with a view to personal gain, they may be subject to disciplinary action, up to and including dismissal. If the person who has made the allegations is not an employee, the College will take alternative appropriate action.

9. RESPONSIBILITY FOR THE SUCCESS OF THIS POLICY & PROCEDURE

The Board of Management Audit & Risk Assurance Committee has overall responsibility for this policy and procedure, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy and procedure.

The Governance Director has day-to-day operational responsibility for this policy and procedure.

All employees and workers are responsible for the success of this policy and procedure and should use it to disclose any suspected danger or wrongdoing. Employees and workers are invited to comment on this policy and procedure and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Governance Director or the Audit & Risk Assurance Committee.

10. SPECIAL SITUATIONS

1. Employees & Workers With Special Requirements (Reasonable Adjustments)

Where an employee or worker has special requirements (e.g. they have a disability or their first language is not English), and where this may impact on their ability to participate fully in meetings or comply with any other aspect of the process, consideration will be given to reasonable adjustments. It is the responsibility of the employee or worker (or their companion) to request any reasonable adjustments. The employee or worker will be advised of any reasonable adjustments prior to the meeting.

11. RECORDS

Records relating to concerns raised under this policy & procedure will be kept in line with the College's Data Protection Policy & Procedure.

12. REFERENCES

This policy and procedure takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern At Work.

13. EFFECTIVE DATE

This document is effective from 5 March 2015 and supersedes all previous policies and procedures relating to whistleblowing.

14. REVIEW

The College will regularly review this policy and procedure and consult with recognised trade unions to ensure it continues to comply with current legislation and College needs. A review will take place at least every three years or as soon as practicable after any change to relevant legislation.

15. RELATED POLICIES & PROCEDURES

Data Protection Policy & Procedure
Disciplinary Policy & Procedure
Grievance Policy & Procedure

16. APPENDICES /

Appendix A – Contact Details

Head of Corporate Development

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Statement on Equality & Diversity

The college is an equal opportunities organisation and aims to reflect the diversity of the communities it serves. We welcome and support staff, students and visitors irrespective of age, disability, gender re-assignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

