

Raising Genuine Concerns (Whistleblowing) Policy and Procedure

1. Introduction

CECOS College London is committed to honesty and openness and to achieve the highest possible ethical standards in public life.

This policy enables employees to raise concerns about the conduct of other College staff or Members of the Board of Governors in a confidential manner to report any malpractice or illegal acts or omissions by the College's employees or, where of continued relevance to College practice, ex-employees. The Board of Governors will have oversight of the management of concerns raised.

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

The Act is incorporated into the Employment Rights Act 1996 and the Employment Act 2008, which also already protects employees who take action over, or raise concerns about, health and safety at work, fair treatment and fair remuneration.

2. Responsibility and Implementation

The Managing Director & Principal are responsible as the designated officers for ensuring there is a policy in place through which staff can raise their concerns ('whistleblow') about an issue or element of practice or broader treatment of staff and students in the College.

The Managing Director & Principal receive concerns under this policy and determines further investigatory work required.

Where a whistleblowing issue concerns the Managing Director or the Principal, the Chair of the Board of Governors assumes the Managing Director and/or the Principal's duties under this policy and should be substituted as required.

If the Managing Director & Principal raises a whistleblowing issue, this will be presented to the Chair of the Board of Governors, who assumes the Managing Director & Principal's duties under this policy and should be substituted as required, unless it concerns the Chairman, in which case it is reported to the Vice Chair who assumes the Managing Director & Principal's duties under this policy and should be substituted as required.

This policy applies to all members of CECOS staff, as well as to casual and agency staff engaged at the College.

3. Policy Details

3.1 Whistleblowing Framework

CECOS College London has a range of policies and procedures, which deal with standards of behaviour at work and include Disciplinary, Grievance and Equal Opportunities policies.

Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about the personal employment position of an individual member of staff and needs to be handled in a different way. Examples under the Public Interest Disclosure Act include:

- Malpractice or ill treatment of a student/client/customer by a member of staff;
- Repeated ill treatment of a student/client/customer, despite a complaint being made;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, including, but not restricted to, health and safety at work;
- The environment has been, or is likely to be, damaged;
- Breach of the Financial guidance and regulations;
- Showing undue favour over a contractual matter or to a job applicant;
- A breach of staff or Board of Director's code of conduct;
- Information on any of the above that has been, is being, or is likely to be concealed.

This list is not exhaustive.

3.2 Treatment of Whistleblowers

Whistleblowing provides a channel and process for individual employees to raise genuine and legitimate concerns. It also gives the College an opportunity to investigate these concerns and take appropriate action so that the matter is resolved effectively within the organisation.

CECOS College London will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the College's Disciplinary Procedure.

If an employee makes a disclosure on one or more of the types of matters listed above and they have a reasonable belief that the concern is real and they are acting in good faith, the employee will not suffer any detriment, even if after investigation it transpires that the concern is unfounded.

Employees are requested under this policy to identify themselves when whistleblowing so that the issue can be vigorously investigated and their identity will be protected during the investigation and proceedings. The College will not disclose an employee's identity unless required to do so in law.

If the situation arises where the College is unable to resolve the concern without revealing the employee's identity (for instance, through a witness statement in a disciplinary hearing or the employee's evidence is needed in court), the College will discuss with the individual how the matter should proceed.

3.3 Whistleblowing Procedure

A member of staff ('The Representer') wishing to raise a concern under this policy should do so in writing directly to the Managing Director & Principal or their line manager. The issue will be treated in strictest confidence on receipt.

Any line manager receiving a concern under this policy from one of their direct reports must forward the matter immediately to the Managing Director & Principal.

If the member of staff feels unable to approach their line manager or the Managing Director & Principal directly with their concern, they may report it directly to the Company Secretary, who will take the matter forward and enquire as to why this issue could not be raised directly with the individual's line manager or the Managing Director & Principal.

The Chair of the Board of Governors, who is independent of employment of the College, can also receive whistleblowing concerns under this Policy. Where whistleblowing concerns are reported directly to the Chair of the Board of Governors, he/she will first of all enquire as to why this issue could not be raised directly with the individual's line manager or the Managing Director & Principal.

Under this policy, the College requests the reporting member of staff to identify themselves when raising a concern; the issue will be investigated in strict confidence and their identity only disclosed if absolutely necessary. Anonymous concerns cannot be properly investigated and the reporting member of staff will not be able to receive any feedback under this policy that the issue has been dealt with.

On receipt, the Managing Director & Principal will review the issue raised by the Representer and instigate any necessary investigation.

Some issues may be able to be resolved without detailed investigation and this will be discussed with the Representer, if applicable. The Managing Director & Principal may redirect an issue through the College's Grievance Policy and Procedure if the issue relates to an individual's grievance arising from their employment and does not constitute a whistleblowing issue as per Section 3.1 of this policy.

Any investigation under this Whistleblowing policy will normally be conducted by the Company Secretary as Investigating Officer. If the issue raised relates to the Company Secretary the Managing Director & Principal will nominate an appropriate member of the Senior Management Team to conduct the required preliminary investigation.

When an issue raised under this policy concerns a potential issue of gross misconduct against a member of College staff, the Managing Director & Principal may require to suspend a member(s) of staff under the College's Disciplinary Policy on full pay pending the outcome of the initial investigation. The investigation will be carried out in strict confidence i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so.

The initial investigation will be carried out within ten working days, during which safeguarding issues are paramount in all cases and must be expedited if safeguarding issues require it.

The Investigator will interview the member of staff raising a concern and will:

- Obtain as much information as possible from the Representer about the grounds for the belief of malpractice;
- Consult with the Representer about further steps which could be taken;
- Inform the Representer of appropriate routes if it transpires the matter does not fall within the this policy;
- Outline any further steps that will be taken to complete this initial investigation.

At this interview with the Investigating Officer, the Representer may be accompanied by a recognised trade union representative or a work colleague.

The Investigating Officer may be accompanied by a note taker.

Within ten working days of the interview, the Investigating Officer will conclude the initial investigation and will recommend to the Managing Director & Principal one or more of the following:

The matter be fully and formally investigated internally by the College;

- The matter be investigated by the external auditors appointed by the College or a relevant external investigator;
- The matter be reported to the Police and/or any other external organisation.

The grounds on which no further action is taken may include:

- The Investigating Officer is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The Investigating Officer is satisfied that the Representer is not acting in good faith;
- The matter is already appropriately (or has been) the subject of proceedings under one of the College's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external auditor, or other relevant public authority.

If that there is a case to be answered by any individual, the relevant College Disciplinary Procedure will be used and any other external agencies contacted as might be required, i.e., the police, the relevant professional body, trade union representative, etc.

Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the Managing Director & Principal will ensure that the employee suffers no reprisals.

Only where false allegations are made maliciously will it be considered appropriate to act against the whistleblower under the terms of the relevant Disciplinary Procedure.

Following consideration of the initial investigation by the Managing Director & Principal, the Investigating Officer will arrange a meeting with the whistleblower to give feedback on any action to be taken.

This will not include details of any disciplinary action against another member(s) of staff, which will remain confidential to the individual(s) concerned, but will outline the nature of the steps being taken to rectify the situation.

The feedback will be provided within 10 working days of the Managing Director & Principal's consideration of the initial investigation.

Should it be alleged that the Managing Director & Principal is involved in the alleged malpractice, the Investigating Officer's recommendation will be made to the Chair of the Board of Governors.

The conclusion of any subsequent investigation will be reported by the Investigating Officer to the Representer within twenty working days, or the Representer advised of any extension to this timescale that proves necessary.

The Representer may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice. If the Representer is not satisfied with the outcome of the investigation, CECOS College London recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the relevant funding bodies, a relevant professional body or, where justified, elsewhere).

4. Related Documentation

Public Interest Disclosure Act 1998

CECOS College London Grievance Policy