

Policy Title Whistleblowing

Author/Responsible Manager	Director of Finance and Resources
Original Issue Date	March 2010
Approved By and Date	Corporation 18.5.22
Next Review Date	July 2024
EIA Completion date	3 rd May 2016
Risk Assessment (please note here any identified risks of non-compliance with the policy)	Staff do not feel confident in raising a complaint Complaints are not treated in a structured way

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Equality Impact Assessment

Characteristic	No impact	Positive impact	Negative impact	Evidence
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy/Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Religion/belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marriage & civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Carried out by: C Drury

Actions required:

Action	Date	Reviewed by	Date

1. Introduction

In line with the requirements of the Public Interest Disclosure Act of 1998, this policy is in place to ensure there is protection for employees against being penalised as a result of publicly disclosing a serious concern.

Kendal College believes that an effective way of promoting and delivering a high level of service and encouraging propriety throughout the organisation is to have a policy enabling staff to raise concerns internally in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, failure to comply with legal obligations or unethical conduct. By these means potentially damaging, dangerous or embarrassing matters can be dealt with and resolved internally. Such an approach should aim to strike a balance between the right of the individual to speak freely on a range of matters and the right of the College or colleagues to protect themselves against false and malicious accusations.

It should be noted that “whistleblowing” is not meant to be another mechanism for employees to raise private grievances.

2. Policy Statement

The College undertakes to deal seriously and urgently with any legitimate concerns and to take effective action against malpractice. Accusations found to be deliberately false and malicious will render the complainant liable to disciplinary action, but employees should be assured that where concerns are raised in good faith and they observe this procedure, their motives will be respected and their initiative welcomed and their right not to suffer detriment upheld.

3. Procedure

Definition of “Whistleblowing”

Although there is currently no legal definition of “whistleblowing” it has come to be accepted as the disclosure by an employee of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his/her fellow employees.

Such wrongdoing can include:

- Failure to comply with legal obligations and regulations
- Fraud, impropriety and financial regularities
- Improper conduct or unethical behaviour
- Criminal activity
- Dangerous acts or omissions which create a risk to health, safety, safeguarding or the environment
- Academic malpractice
- Attempts to conceal any of the above

Procedure

1. Staff may raise concerns orally or in writing, and be assured that the issue will be treated confidentially and sensitively

2. Concerns should be made in the first instance to the Director of Governance, as they may be against individuals or groups.
3. The person raising the concern will receive written confirmation within 5 working days that the concern has been received and will detail how the matter will be dealt with/investigated.
4. If the concern relates to the Director of Governance, the Principal or a member of the Corporation, the matter should be raised with the Chair of the Corporation.
5. If the concern relates to the Chair of Corporation, it should be raised with the Chair of the Audit and Risk Committee.
6. The person to whom an allegation is made must deal with it thoroughly and quickly, keeping the person raising the concern informed of progress on a weekly basis, trying to complete the investigation within one month.
7. When an investigation is complete, the person raising the concern will be informed in writing of the actions taken and the outcomes.
8. Where there is evidence of criminal activity, the Police will be informed.
9. If the person raising the concern is unhappy about the outcome, they have the right to refer the matter to an external body such as auditors, a local councillor or MP. Complainants are advised to seek advice from a third party before doing so, for their own protection and to beware of making defamatory comments to any organisation or the media.

4. Reference to other policies

The College has a range of policies and procedures that deal with standards of behaviour at work, covering Discipline, Grievance, Bullying and Harassment, Health and Safety, Recruitment and Selection and Safeguarding. Employees are encouraged to use the provisions of these procedures when appropriate.

In addition to the College's Financial Regulations, the Whistleblowing Policy and procedure is complementary to the College's procedure for dealing with Fraud and Irregularity and Hospitality & Gifts Anti-bribery Policy, Travel & Subsistence Claims. This policy also fulfils the College's obligations under the Bribery Act 2010.