

RNC Policy & Procedure: Whistle Blowing

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| Responsibility: | Human Resources |
| Approved by SMT: | June 2023 |
| Date of next review: | May 2024 |
| EIA Completed: | May 2017 |
| Other relevant Policies and reference documents:* Staff Disciplinary
* Gifts and Hospitality
* Grievance
* Anti-Bribery & Corruption
* Safeguarding Children
* Safegaurding Vulnerable Adults
 |
| Version | Date | Amendments | Author  |
| 1.0 | 06.08.18September 2018 | Reviewed, format changed. Amendments to: 4.2 for consistency with Staff Disciplinary Policy V1.2 2.2 and 4.12 Inclusion of the use of this policy relating to safeguarding practiceEIA reviewedSMT approved | HR |
| V1.1 | September 2019November 2019 | Reviewed, no amendments required. SMT reviewed. Approved. | HR |
| V1.2 | January 2020 | 3: second para added to this section4.11 Second sentence added. | HR/ Peninsula |
| V1.3 | April 2021 | Reviewed, amendments made to titles 4.11 added | LB |
| V1.4 | April 2022 | Point 1.5 addedPoint 2.2 updated | LB |
| V1.5  | June 2023 | Reviewed, reference to Clerk to the Board to point 4.11.Point 4.13 updated to include Safeguarding Vulnerable Adults policy. | LB |

**Commitment Statement**

RNC is committed to the fundamental values of equality, diversity and inclusion, which creates a supportive environment for all members of our community to live, work and study. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and to eliminate discrimination to other equality groups related to age, sexual orientation, gender identity, marital or civil partnership status, pregnancy or maternity and religion or belief. We believe that safeguarding has paramount importance and RNC recognises its responsibility and duties within the Government Prevent Strategy to be aware of and where appropriate act to ensure the safety of all students from radicalisation and extremism.

This document is available in alternative formats on request. If you think RNC can improve the fairness of this policy please contact the author who has responsibility for the review and update.

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## **1. Policy**

1.1 RNC and its governors have a commitment to ensuring that employees have an entitlement to a fair and confidential hearing in circumstances where an employee feels it necessary to ‘blow the whistle’.

1.2 The policy is designed to ensure that employees of RNC have the opportunity to raise such issues of wrongdoing or malpractice internally, in good faith and without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

1.3 Whistle blowing is the disclosure by an employee of confidential information which relates to some danger, fraud, illegal or unethical conduct connected with the workplace.

1.4 The procedure detailed below is intended to provide a structure for employees (including volunteers) to report suspected ‘malpractice’ such as allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting in an unethical manner, criminal activities, creating or ignoring a serious risk to health, safety or the environment or inappropriate conduct with students and customers.

1.5 The procedure is in addition to RNC safeguarding policies and all staff have the responsibility to raise safeguarding concerns.

1.6 The procedure is in addition to the grievance procedures which should be used to raise grievances about a personal employment situation.

1.7 Any employee or volunteer who raises a concern will have the right to have the matter treated confidentially and not have their name disclosed to the alleged perpetrator of malpractice without their prior approval.

## 2. When to use the procedure

2.1 This procedure may also be used to raise concerns about poor or unsafe practice and potential failures in the College’s safeguarding practices. Where a staff member feels unable to raise an issue with their employer, other whistleblowing channels are open to them; staff should reference Section 11 of the RNC Safeguarding Children Policy.

2.2 The only other circumstances in which this ‘whistle blowing’ procedure may be used to raise allegations of:

* suspected fraud
* financial irregularities
* corruption or bribery
* criminal activities
* failure to comply with a legal obligation
* a miscarriage of justice
* the suspected creation of, or failure to take due action in the event of, a serious risk to health, safety or the environment
* inappropriate conduct with students and customers
* concealing any information relating to the above

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it related to environmental damage that has happened, is happening, or is likely to happen. RNC will take any concerns relating to the above matters seriously.

2.3 The procedure is not for use to raise grievances concerning personal employment issues or appeals against management decisions unless they involve fraud, corruption or malpractice. The RNC Grievance Policy and Procedure is the normal way for employees of RNC to raise grievances about their personal employment situations.

2.4 An employee has the right to raise such matters and have them treated confidentially and not to have his or her name disclosed to the alleged perpetrators of the malpractice.

## 3. Raising a concern

Normally concerns falling into this category should be raised, in writing, to a member of the Senior Management Team (SMT) who will respect the confidentiality and guarantee an appropriate investigation. Receipt of the allegation in writing will be sent to the complainant’s homeaddress in ‘strictest confidence’. Exceptionally, it may be appropriate for the complainant to raise a concern orally.

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

## 4. The investigation phase

4.1The investigationwill commence with a detailed interview with the employee making the allegation who will be fully advised of the process. A full note (which does not identify the complainant) will be made by the person hearing the concern. If at any stage evidence of criminal activity is found, the police will be informed.

4.2 If the matter to be investigated is thought to potentially involve gross misconduct, the employee who is the subject of the investigation may be immediately suspended from work on full pay by a member of SMT while the investigation proceeds.

4.3 Normally an interview will then be held with the employee who is the subject of the allegation. At this meeting the employee will be entitled to the support of a friend, colleague or representative as set out in the RNC Staff Disciplinary Policy and Procedure.

4.4 On completion of all investigation interviews the member of the SMT conducting the investigation will provide a report, in writing, to the complainant to their home address in ‘strictest confidence’*.* As far as is possible this report will state the outcome of the investigation and the proposed action.

4.5 It is expected that, in normal circumstances, the investigation will be completed within two working weeks of the submission of the initial written allegation.

4.6 If there is an unavoidable delay then the complainant will be informed in writing by the member of the SMT conducting the investigation and provided with a revised timetable for the completion of the process.

4.7 If appropriate or necessary (e.g. in the case of alleged financial misconduct) then the member of the SMT conducting the investigation may engage the services of an appropriate external organisation to carry out or assist with the investigation.

4.8 If, on completion of the investigation, the member of the SMT conducting the investigation considers that the allegation is justified then the employee who is the subject of the allegation will face a disciplinary hearing arranged under the RNC Staff Disciplinary Policy.

4.9If the allegation is against a member of the SMT (excluding the Executive Principal), the investigation will be handled by the Executive Principal.

4.10If the allegation is against the Executive Principal or a member of the Governing Body, the investigation will be handled by the Chair of Governors.

4.11 If the allegation is against the Chair of Governors, the investigation will be handled by the Nominations and Governance Committee. Staff can contact the Clerk to the Board for further information.

4.12 If the complainant is not satisfied that their concern is or has been properly dealt with they may raise it in confidence with the Chair of Governors. If the complainant is still not satisfied with the explanation or reason given, they should raise the matter with the appropriate official organisation or regulatory body.

4.13 In regard to a concern being raised in relation to concerns about poor or unsafe practice and potential failures in the College safeguarding practices; where a staff member feels that their genuine concerns are not being addressed having reported their concern under this procedure, other whistleblowing channels are open to them; staff should reference Section 11 of the RNC Safeguarding Children Policy or Safeguarding Vulnerable Adults policy.

## 5. Penalty for misuse of this procedure

If RNC finds that the member of staff making the allegation has acted maliciously and/or for personal gain, they will be subject to the RNC Staff Disciplinary Policy.

## Appendix 1: Equality Impact Assessment

Date: 10 May 2017

Function:  Whistle Blowing Policy

This policy, plan, procedure, process has been examined for equality impact, i.e., the impact that this function will have on different groups of actual and potential learners, service users and staff taking account of the protected characteristics of the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

1. If Equality Impact Analysis is not relevant to this function, give reasons and proceed to section 5 below.

N/A – EIA is relevant for this policy.

1. In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these?

There is no reason to think that the Policy will have a negative impact in respect of any protected characteristics. Separate from the Grievance Policy and Procedure, this Policy ensures that all members of staff at all levels (and including volunteers), regardless of their age, disability, race or any other protected characteristics, have the opportunity to a) make a disclosure (‘blow the whistle’) in the event of suspected fraud or other criminal activity and b) have an entitlement to a fair and confidential hearing, in case the disclosure relates to them.

1. In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality?

EDI is clearly embedded in the opening paragraphs of the Policy, stating clearly the intent and entitlement of all staff. It specifically refers to instances of inappropriate conduct with children and vulnerable adults, who are likely to have at least one protected characteristic. Clear links with the RNC Safeguarding Children Policy are made in appropriate sections.

This Policy gives protection to staff who ‘blows the whistle’ and, equally, it reinforces fair and consistent treatment if a member of staff is subjects of any disclosure. Confidentiality is at the heart of the Policy.

The Policy gives clear information about the flow of events, from raising a concern, through to various stages of the investigation phase and any penalties for the misuse of the procedure related to the Policy.

1. What evidence supports your judgment e.g. consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored?

This Policy has been developed by staff who have expertise in this area and in conjunction with other relevant RNC policies. The Policy uses clear language and is easy to follow.

1. Name and job title of manager completing EIA:Alena Critoph – Registrar