



Whistleblowing Policy

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This document outlines Bluestone College policy for dealing with malpractice which is disclosed by workers (i.e. whistleblowing.) The term “whistleblowing” will refer to the practice of employees disclosing information, whether internally or externally, about malpractice, illegal acts or omissions at work.

Policy statement

Bluestone College is committed to ensuring the highest possible standards of service and the highest possible ethical standards in all of its practices. To achieve these, Bluestone College encourages freedom of speech. Bluestone College also encourages staff to use internal procedures for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

Other policies and procedures

Bluestone College has a range of policies and procedures which deal with standards at work: they cover Discipline, Complaints, Recruitment, and Selection and Referral. Employees are encouraged to follow these policies and procedures. However, there may be times when the matter is not about an individual's employment position and thus needs to be handled in a different way.

Examples may be:

- Malpractice or ill treatment of a client, candidate or employee by a senior member of staff
- Repeated ill treatment of a client, candidate or employee, 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, particularly in relation to health and safety at work
- The environment has been, or is likely to be damaged
- Breach of standing financial instructions
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct
- Information on any of the above has been, or is being, or is likely to be concealed

This list is not exhaustive.

Bluestone College 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 Misconduct and Discipline Policy and Procedure.

Role of Trade Unions

Bluestone College recognises employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions of this policy, and acknowledges and endorses the role played by trade union officers in this area.

The organisational head has been nominated and agreed by Bluestone College as designated officer for concerns under this procedure. They will have direct access to the most senior person in the organisation.

Role of Designated Officer

Where concerns are not raised with the line manager, the designated officer will be the point of contact for employees who wish to raise concerns under the provisions of this policy. Where concerns are raised with him/her, he/she will arrange an initial interview to ascertain the area of concern. This will be confidential if requested.

At this stage, the whistleblower will be asked whether or not he/she wishes his/her identity to be disclosed and will be reassured about protection from the possible reprisals or victimisation. The whistleblower will also be asked whether he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

Role of the most Senior Person in the Organisation

The designated officer will report to the most senior person in the organisation, who will be responsible for the commission of any further investigation.

Complaints about the most Senior Person in the Organisation

If the concern is about the most senior person in Bluestone College, this should be made clear to the chair of the board/governing body, who will then decide on how the investigation should proceed. This may include an external investigation.

The Investigation

The investigation may need to be carried out under the terms of strict confidentiality (i.e. by not informing the subject of the complaint until, or if, it becomes necessary to do so.) This may be especially appropriate in cases of suspected fraud.

However in certain cases, for example allegations of ill treatment of learners/clients/employees, suspension from work may be considered immediately whilst investigations are carried out, especially if regarding safeguarding or child protection issues (See Misconduct/Discipline policy and Safeguarding policy). Protection of learners/clients/employees is paramount in all cases.

The designated officer will offer to keep the whistleblower informed about the investigation and its outcome.

If the result of the investigation is that there is a case to be answered by any individual, the misconduct/discipline policy and procedure will be used.

Where there is no case to answer, but the whistleblower held a genuine concern and was not acting maliciously, the designated officer should ensure that the whistleblower suffers no reprisals.

It will be considered appropriate to act against the whistleblower under the terms of the misconduct/discipline policy only if false allegations have been made maliciously.

Inquiries

I. If the concern raised is very serious or complex, an inquiry may be held.

II. Bluestone College recognises the contribution the trade union(s) can make to an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry – including the implementation of the recommendations of the inquiry. Bluestone College recognises that in many cases it will be desirable that a trade union representative will be appointed to the panel of the inquiry.

Following the investigation

I. The most senior person in the organisation will brief the designated officer as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned.) The feedback will be provided within the specified time limits.

II. If the whistleblower is not satisfied with the outcome of the investigation, Bluestone College recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Officer, the Audit Commission, the REC, or, where justified, elsewhere.)

The Law

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers who make 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, which already protects employees who take action over, or raise concerns about, Health and Safety at work.

See the updated information on <https://www.gov.uk/whistleblowing> (updated July 2015)