

## WHISTLEBLOWING POLICY



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## FOREWORD

***“The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing”***

***Albert Einstein***

Our staff are the most valuable resource in our College, not just because of what they do, but also because they have a unique perspective on frontline services. They are the eyes and ears that may witness bad practice and wrongdoing that could harm our learners, colleagues, other organisations and members of the public.

It is essential that the College tap into this rich vein of intelligence and welcome staff who are courageous enough to speak out.

Encouraging workers to speak out has many benefits: it protects others by preventing further wrongdoing; it promotes a transparent culture; it protects and reassures the workforce; and it helps to maintain a healthy working culture and efficient organisation.

An organisation’s willingness to examine areas of potential weakness, and to listen to all staff, means that issues and concerns can be addressed promptly.

The Board of Governors at Coleg Gwent encourage staff to speak out when they witness wrongdoing and we see this as ‘the right thing to do’.

We will ensure that senior management support staff who raise genuine concerns and that all such concerns raised will be taken seriously and investigated appropriately.

This policy, which is in line with the Public Interest Disclosure (PIDA) Act 1998 and takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Protect (formerly Public Concern at Work), sets out clearly and simply how staff within the College can raise concerns and what they can expect when they do so. We strongly believe as a Board of Governors that all workers should have the confidence to raise genuine concerns and we hope that this policy and guidance will support our staff and provide assurance that genuine concerns can be raised in safety and that they will be treated properly.

### **Wales Audit Office**

***“Whistleblowing can act as a catalyst to real improvements in governance and accountability.”***

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**Mr Mark Langshaw MBE**  
**Chair of Board of Governors**

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**Mr Guy Lacey**  
**Principal/Chief Executive**

## 1. WHAT IS WHISTLEBLOWING?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. A whistleblower is a person who raises a reasonably held concern relating to the suspected wrongdoing or danger. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this Policy.

## 2. POLICY STATEMENT



Coleg Gwent is committed to conducting its affairs with honesty and integrity and in a responsible and transparent way. We expect all staff and those who work for us to maintain high standards of behaviour in line with our Core Values as outlined above and our Staff and *Partner* Codes of Conduct.

The College that encouraging staff to take responsibility to uphold our values in everything that they do includes being able to voice genuine concerns about serious malpractice without fear of reprisal and feeling supported when doing so.

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 and to address them when they do occur.

The College is committed to tackling all forms of serious malpractice and abuse. This Policy explains how to raise concerns inside the College, and outside of the College to appropriate external bodies where appropriate.

## 3. PURPOSE AND SCOPE

It is recognised that from time to time, situations may arise where a member of staff has genuine concerns about what they might consider to be irregularities in the running of the College or the activities of colleagues or partner organisations.

The policy aims to provide clear channels through which concerns can be raised and dealt with properly, without fear of victimisation or reprisal.

This procedure is intended for the use of all College 'Workers' - this means employees, contractors, trainees and agency staff and includes those employees designated as home workers.

Workers can raise concerns about any issue relating to suspected malpractice, risk, abuse or wrongdoing. The worker need only have a reasonable belief that the issue has occurred, either in the past, the present or is likely to happen in the future.

It is important that staff are fully aware of the differences between raising a concern under this policy and raising a grievance:

**The difference between a whistleblowing concern and a grievance:**

A whistleblowing concern is about a risk, malpractice or wrongdoing **that affects others**. It could be something which adversely affects other workers, the organisation itself and/or the public.

A grievance is a personal complaint about someone's own employment situation.

It is best to raise any concern as early as possible to allow the matter to be looked into promptly. You do not need to have gathered evidence or proof of wrongdoing but you must have an honest belief that there is a genuine cause for concern.

The following list illustrates the types of issues that may be raised:

- the abuse of children and /or vulnerable adults (physical or psychological);
- health and safety risks, either to the public or other employees;
- any unlawful act (e.g. theft);
- the unauthorised use of public funds (e.g. expenditure for improper purpose);
- a breach of the Employee Code of Conduct;
- maladministration (e.g. not adhering to procedures, negligence);
- failing to safeguard personal and/or sensitive information (data protection);
- damage to the environment (e.g. pollution);
- fraud and corruption (e.g. to give or receive any gift/reward as a bribe);
- abuse of power;
- poor value for money;
- other unethical conduct; and
- any deliberate concealment of information tending to show any of the above.

#### 4. PROCEDURE

If you have reason to believe that you wish to raise a concern under this policy then you should contact one of the following Nominated Persons:

<b>Guy Lacey</b> <b>Principal/Chief Executive</b> <a href="mailto:guy.lacey@coleggwent.ac.uk">guy.lacey@coleggwent.ac.uk</a> 01495 333501	<b>Lynda Astell</b> <b>Vice Principal (Resources &amp; Planning)</b> <a href="mailto:lynda.astell@coleggwent.ac.uk">lynda.astell@coleggwent.ac.uk</a> 01495 333527/07815 856923	<b>Nicola Gamlin</b> <b>Vice Principal (Curriculum &amp; Quality)</b> <a href="mailto:nicola.gamlin@coleggwent.ac.uk">nicola.gamlin@coleggwent.ac.uk</a> 01495 333532
<b>Jo Duggan</b> <b>Director of HR and OD</b> <a href="mailto:jo.duggan@coleggwent.ac.uk">jo.duggan@coleggwent.ac.uk</a> 01495 333255	<b>Marie Carter</b> <b>Governance Officer</b> <a href="mailto:marie.carter@coleggwent.ac.uk">marie.carter@coleggwent.ac.uk</a> 01495 333519	<b>Mark Langshaw</b> <b>Chair of Governors</b> <a href="mailto:mark.langshaw@coleggwent.ac.uk">mark.langshaw@coleggwent.ac.uk</a>

You can also e-mail your concerns to a dedicated hotline address [whistleblowing@coleggwent.ac.uk](mailto:whistleblowing@coleggwent.ac.uk) which is monitored by our Governance Officer, Marie Carter.

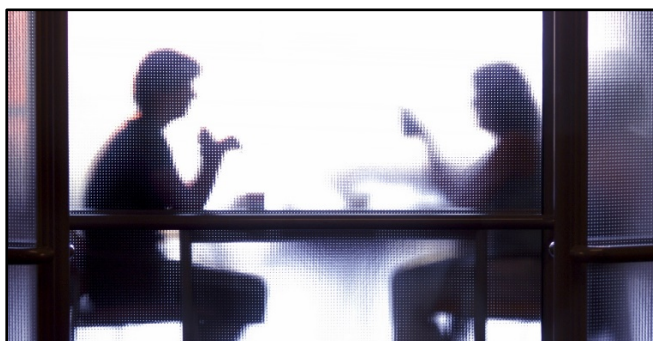
You will then have the opportunity to raise your concerns with your Nominated Person at a meeting at which you may bring along a work colleague or Trade Union representative to accompany you.

Your Nominated Person will take full responsibility for investigating your concern until a conclusion is reached and you will be advised of the findings of the investigation when it is completed (subject to maintaining the confidentiality of third parties where this is necessary).

Your Nominated Person will consider the allegation and the circumstances surrounding it and may initiate an investigation and select an appropriate Investigating Officer. Within three working days of receiving the complaint, your Nominated Person will write to you to confirm the details of your concern and to advise you that an investigation will take place and the identity of the Investigating Officer. All enquiries and investigations will be carried out in full confidence wherever possible. There will be times where it may not always be possible to maintain confidentiality if this impedes the investigation. In these circumstances, you will be consulted and, if possible, your informed consent obtained.

No time limits for completion of the investigation can be set, as it will depend on the precise nature of your concern and the particular matters which require investigation. However, in the interests of all concerned, the investigation will be completed as quickly as possible. In the event that the investigation has not been concluded within six weeks of your discussion meeting with your Nominated Person, in any event, you will be advised of its progress.

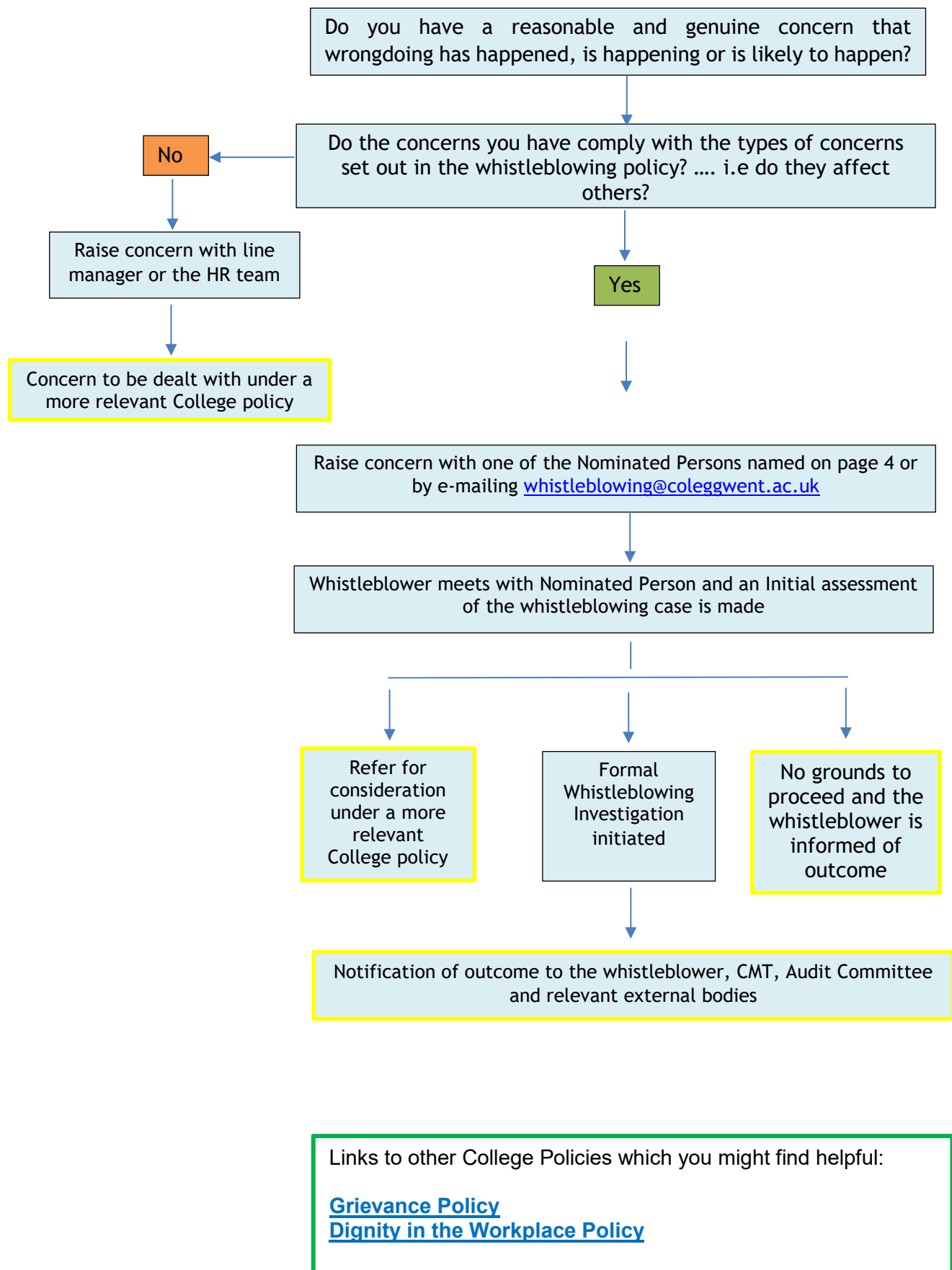
Once the Investigating Officer has completed his or her investigation, he or she may present their findings in the form of a written report to your Nominated Person who will take such action as he or she deems necessary in all the circumstances. Your Nominated Person will inform you of the findings of the investigation.



The flowchart on the next page will help you navigate your way through the whistleblowing process.

You will find advice on page 8 on the steps you can take if you are not satisfied that your concerns are being dealt with to your satisfaction.

## 5. FLOWCHART OF THE WHISTLEBLOWING PROCESS AT COLEG GWENT



## 6. PROTECTION AND SUPPORT

We fully understand that staff will have good reason to feel anxious about raising a concern and identifying themselves and for this reason we will do all that we can to protect and support individuals through this process:

- All concerns raised under this policy will be dealt with in confidence wherever possible. In particular, the name of the person raising the concern will be limited to the nominated person and the investigating officer.
- Any correspondence will be addressed to the home of the individual raising the concern or to a private e-mail address.
- No individual raising a concern in accordance with this Policy should experience victimisation as a consequence. The College will take appropriate and timely action against anyone who victimises a whistleblower.
- The law seeks to protect staff from any reprisal as a result of raising a concern if this policy and procedure has been followed at every stage and not for personal gain or out of personal motive.
- This policy and procedure is intended to protect the College and its staff from false allegations, malicious allegations and unsubstantiated rumours. If a member of staff deliberately misuses this policy then they will be subject to appropriate disciplinary actions which could result in dismissal.
- It must be noted that in the event that the investigation leads to action, whether under the College's disciplinary procedure or in any criminal or civil proceedings, then the testimony of individual witnesses is likely to become essential and the College is unlikely to be able to maintain anonymity under these circumstances.

## 7. ANONYMOUS ALLEGATIONS

This policy encourages employees who raise concerns not to remain anonymous, by ensuring they will be protected from victimisation.

There are disadvantages to raising concerns anonymously including:

- Detailed investigations may be more difficult, or even impossible, to progress if you choose to remain anonymous and cannot be contacted for further information.
- The information and documentation you provide may not easily be understood and may need clarification or further explanation.
- There is a chance that the documents you provide might reveal your identity.
- It may not be possible to remain anonymous throughout an in-depth investigation.
- It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

However, should the College receive an anonymous allegation, it will be taken seriously and investigated as thoroughly as possible. All anonymous allegations received within the College by any staff member should be referred to the Principal/Chief Executive unless the allegation relates to the Principal/Chief Executive, in which case it must be referred to the Chair of the Corporation (the Chair).

The Principal/Chief Executive (or Chair) will consider the allegation to determine whether or not the allegation and the information given provides sufficient basis for an investigation to be carried out.

If the Principal/Chief Executive (or Chair) is of the view that an investigation is warranted, then arrangements **for an appropriate person to carry out this investigation** will be put in hand by the Principal/Chief Executive (or Chair). Appropriate action will then be taken following the investigation.

If the Principal/Chief Executive (or Chair) is of the view that the allegation and the information given does not provide sufficient basis for an investigation, then the allegation will be recorded in an “Anonymous Allegations’ File”, together with the reasons for not undertaking an investigation. This File will be held by the Clerk to the Corporation and will be reviewed regularly by the Audit Committee. Following review, the anonymous letters will be destroyed.

If, during the process of raising an anonymous allegation, the person raising the allegation decides to reveal their identity then the whistleblowing process as outlined in this policy will be followed and wherever possible confidentiality maintained.

## **8. WHISTLEBLOWING AND SAFEGUARDING**

It should also be noted that any disclosures relating to the Safeguarding of Children or Vulnerable Adults need to be made immediately to one of the team of staff identified within the College for such a purpose, or made directly to the Police or Social Services, under the College Safeguarding procedures.

A member of staff making such a disclosure in good faith would be entitled to the same assurance relating to protection as s/he would under this Procedure.

## **9. WHISTLEBLOWING AND THE SUPPLY CHAIN**

The College’s Procurement Policy sets out our aspiration to ensure that all our procurement activities comply with ethical employment in the supply chain guidelines and as such we encourage the identification of any suspected wrongdoing within our supply chain - that is, within any of our immediate suppliers or any sub contactors used by our suppliers. If you have any reason to believe that there is any wrongdoing within our supply chain then we encourage you to use this policy to report these concerns.

## **10. DISSATISFACTION WITH THE INVESTIGATION**

If you are dissatisfied with the way in which the investigation is being handled, you should inform the Investigating Officer and you will be given the opportunity to discuss your reasons for dissatisfaction.

If following this meeting, you remain dissatisfied then the Nominated Person involved in the original disclosure should be advised. A meeting will be arranged to discuss your continued dissatisfaction.

It is anticipated that through this process any dissatisfaction felt will have been resolved through discussion and greater understanding. If, however, this has not been achieved and your concern remains unresolved to your satisfaction, you may contact the Chair of the Corporation or the Governance Officer.

## 11. RAISING MATTERS EXTERNALLY

If after exhausting the internal procedures set out above, you remain dissatisfied with the way in which your concern has been dealt with, you may raise the issue externally with an appropriate external body such as:

### The Auditor General for Wales



The Auditor General is classed as a **prescribed person**. This means that a worker can report concerns about wrongdoing in a workplace to the Auditor General, as well as, or instead of, their employer.

The Auditor General will consider, but isn't obliged to investigate, every disclosure he receives. To make a disclosure to the Auditor General under the Public Interest Disclosure Act 1998, contact:

Email: [whistleblowing@audit.wales](mailto:whistleblowing@audit.wales)

Telephone: 029 20 320 522

Post:

PIDA Officer

The Auditor General for Wales

24 Cathedral Road

Cardiff

CF11 9LJ

### Protect



Protect (formerly Public Concern at Work) is the UK's whistleblowing charity. The charity aim to stop harm by encouraging safe whistleblowing. They provide a free, confidential [advice line](#) which supports more than 3,000 whistleblowers each year who have seen malpractice, risk or wrongdoing in the workplace.

You are advised to take independent legal advice before making disclosures outside the College as you will only be legally protected in limited circumstances.

<https://protect-advice.org.uk/contact-protect-advice-line/>

### PROTECT

The Green House

244-254 Cambridge Heath Road

London E2 9DA

The role of the Welsh  
Ministers as the Principal  
Regulator of exempt charities

Welsh Further Education Corporations and St David's  
Catholic Sixth Form College



Further Education Colleges are designated as exempt charities under Schedule 3 of the Charities Act 2011.

In Wales, a Minister of the Welsh Government acts as Principal Regulator to the FE Colleges, to promote compliance with their legal obligations under the Charities Act 2011

If you remain unsatisfied with the way in which your whistleblowing concern has been dealt with you may contact the Principal Regulator at [principalregulatorfe@gov.wales](mailto:principalregulatorfe@gov.wales)