

Public Interest Disclosure (‘Whistleblowing’) Procedure

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Approved by	Corporation
Contact	Director of Human Resources
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1. INTRODUCTION

1.1 Waltham Forest College and the Corporation Members are committed to the highest standards of openness, probity and accountability. This procedure is intended to assist employees, workers and members of the Corporation who have proper grounds for believing that they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the College, nor may it be used to consider individual issues or complaints, which fall properly within approved harassment, grievance or disciplinary procedures.

2. SCOPE OF THE PROCEDURE

2.1 The procedure is intended to enable employees and workers, who have proper grounds for believing that there has been, is or is likely to be some form of malpractice, to raise concerns at a high level and disclose information to a designated assessor (Appendix 1).

2.2 This procedure applies to disclosures made by all those 'employed' by the College. The definition of 'employed' is extremely broad and includes those employed on a permanent, fixed-term or casual basis; those on work experience or vocational training schemes, whether paid or unpaid; academic visitors, agency staff and contractors. Throughout this document, any reference to an "employee" will be deemed to include all those categories of "worker".

2.3 The Public Interest Disclosure Act 1998, which came into effect from 1 January 1999, is designed to protect "workers" from dismissal or penalisation by their employers, if they disclose information that is in the public interest, in the correct manner. The procedure is intended to protect employees if they disclose to a regulatory body or internally:

- a criminal offence e.g. suspected fraud, breach of Financial Regulations, corruption, bribery, dishonesty, which has been, is being or is likely to be committed
- a failure to comply with a legal obligation
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of an individual has been, is being or is likely to be endangered
- that the environment has been, is being or is likely to be damaged
- the malpractice or ill treatment of a client/student including continued ill treatment despite a complaint being made
- information on any of the above that has been or is likely to be concealed

- 2.4** Waltham Forest College seeks to achieve and maintain the highest standards of honesty, openness and integrity, and all workers are encouraged to act responsibly.
- 2.5** The College encourages workers to raise their concerns about malpractice internally within the College in the first instance and at the earliest practicable stage, rather than wait for proof; the College wishes to create an environment that protects those who want to raise issues of genuine public concern.
- 2.6** This procedure is intended to:
- provide a confidential system for employees to raise genuine concerns about malpractice within the College
 - deter malpractice within the College¹
 - avoid public criticism
 - promote accountability throughout the College including a culture of openness
- 2.7** This procedure is not designed to:
- replace the Grievance Procedure, which should be used where an employee is aggrieved about an issue in relation to their employment
 - tackle, in the first instance, cases of (1) bullying or harassment and (2) Health and Safety. These are dealt with in the Harassment & Bullying procedures and the Health & Safety procedures respectively
 - cover complaints against the College arising from dissatisfaction about its services, for which a separate Complaints Procedure exists.
- 2.8** This procedure is, accordingly, intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the College. The aim is to provide a rapid mechanism under which genuine concerns can be raised internally and, if necessary, externally without fear of repercussions to the individual.
- 2.9** Notwithstanding the existence of this procedure, staff are encouraged to express their concerns through the line management arrangements if they feel they wish to do so.

¹ Suspected malpractice within an external organisation that works in collaboration with the College should be reported to an appropriate College manager or Designated Assessor and will be progressed through the external organisation's PIDA procedure (or in accordance with legislation if such a procedure does not exist) if deemed appropriate.

3. MALPRACTICE

3.1 The types of matters regarded as 'malpractice' for the purposes of this procedure are as follows:

- fraud or breach of financial regulations
- corruption, bribery or blackmail
- criminal activity (e.g. theft)
- serious maladministration due to wilful improper conduct
- failure to comply with a legal or regulatory obligation
- dangerous acts or negligence which constitute hazard to health, safety or the environment

3.2 The above examples are **not** exhaustive, and issues of a similar nature will be dealt with under this procedure.

4. DESIGNATED ASSESSORS

4.1 The Director of Governance will act as the "Lead Assessor" for the purposes of this procedure.

4.2 The Principal & Chief Executive will appoint at least three members of staff of the College to act as "Assessors" (outlined in Appendix 1).

4.3 The designated Assessors will be selected for their personal qualities (e.g. analytical skills) and experience, rather than by reason of managerial seniority. Account will be given to the need to seek a balance amongst the Designated Assessors based on gender, race, age and other protected characteristics.

4.4 The designation of Director of Governance to act as the "Lead Assessor" may be revoked by the Corporation if the circumstances warrant it. If immediate action is appropriate, the Chair of the Corporation shall act on behalf of the Corporation. The Chair will report their actions to the next meeting of the Corporation.

4.5 The Principal & Chief Executive and the Director of Governance will review on an ongoing basis the performance of the Designated Assessors.

4.6 If it is thought to be appropriate, the Principal & Chief Executive and the Director of Governance are authorised to revoke the designation of one or more of the Assessors with immediate effect. Such a joint decision by the Principal & Chief Executive and the Director of Governance to revoke the designation of an Assessor will be reported to the next meeting of the Audit & Risk Committee

together with a brief explanation of reasons. The Corporation will be informed of the decision.

- 4.7** Where a revocation arising from the termination of a Designated Assessor's employment (whether by the College or by the member of staff) brief reasons for the termination will be given to the Audit & Risk Committee.
- 4.8** If either the Principal & Chief Executive or the Director of Governance believe that it is appropriate to revoke the designation of an Assessor, but there is not joint agreement, the issue will be referred to the Audit & Risk Committee. If it is not thought to be appropriate or possible to arrange an early meeting of the Audit & Risk Committee, the Chair and Vice Chair will review the wish of the Principal & Chief Executive or the Director of Governance to remove a Designated Assessor as a matter of urgency. The Chair and Vice Chair will make known their decision to all interested parties without delay. Such circumstances will be reported to the next meeting of the Corporation.
- 4.9** If it is thought to be appropriate, the Principal & Chief Executive and the Director of Governance are authorised to appoint an independent Assessor. Such a joint decision by the Principal & Chief Executive and the Director of Governance to appoint an externally employed, independent Assessor will be reported to the next meeting of the Audit & Risk Committee together with brief reasons. The Corporation will be informed of the decision.

5 DISCLOSURE

- 5.1** The Discloser should, as soon as practicable, disclose in confidence to one of the Designated Assessors.
- 5.2** To be a 'qualifying disclosure', the disclosure must consist of information, rather than merely being an allegation. The disclosure must convey information in the form of fact and the disclosure must identify which of the situations listed in paragraph 2.3 the worker is relying on.
- 5.3** The disclosure will only be a qualifying disclosure if the worker reasonably believes that the disclosure is in the public interest. Disclosures of a personal nature (e.g. if a worker does not receive the correct amount of holiday pay) will normally be regarded as a grievance.
- 5.4** Any disclosure to a Designated Assessor (Appendix 1) under this procedure may be oral or in writing, at the choice of the Discloser. The Discloser should

provide as much supporting evidence as possible about the disclosure and the grounds for the belief of malpractice.

- 5.5** On receipt of the disclosure, the Designated Assessor will offer to interview the Discloser in confidence, such interview to take place as soon as practicable, normally within 7 working days, but not more than 10 working days after the initial disclosure. The timescales will not apply if there is an immediate danger of loss of life or serious injury, in which event the interview and responses will be arranged immediately.
- 5.6** The purpose for the interview will be for the Designated Assessor to obtain as much information as possible from the Discloser about the grounds of the belief of malpractice and to consult with the Discloser about further steps which could be taken. It is recognised that the Discloser may wish to seek advice and be accompanied by a local trade union representative or work colleague when using the provisions of this procedure and at the interview. (The Designated Assessor may be accompanied by an administrative assistant to take notes, which will not identify the Discloser.) For safeguards in relation to confidentiality see below.

6. FURTHER STEPS

- 6.1** As soon as practicable after the interview, but usually no more than 10 working days, (or after the initial disclosure if no interview takes place) the Designated Assessor will recommend what further action should be taken. Prior to recommending a course of action, the Designated Assessor may, in some circumstances, need to discuss the issues with another Assessor whilst ensuring that confidentiality is not breached with regard to the identity of the Discloser. Such recommendations may (without limitation) include one or more of the following:
- that the matter should be reported to the police
 - that the matter should be reported to the Department for Education (DfE) or other appropriate public authority
 - that the matter should be investigated either internally by the College or by the Audit & Risk Committee or some other committee of the Corporation and/or by the external or internal auditors or investigators appointed by the College
 - that the disclosure is not relevant to the purposes of this procedure, and that the member of staff should be given the opportunity to seek redress through the College's grievance or complaints procedures or through an appeal under the College disciplinary procedure relating to staff or students
- 6.2** The grounds on which the Designated Assessor may recommend that no further action by the College should be taken are as follows:

- that the Designated Assessor is satisfied that the Disclosure does not provide reasonable proof that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur, or
- that the Designated Assessor is satisfied that the Discloser is not acting in good faith; or that the matter concerned is already the subject of legal proceedings, or has already been referred to the police, DfE or other public authority; or
- that the matter is already (or has been) the subject of proceedings under one of the College's other procedures relating to staff or students.

6.3 Any recommendations made under this procedure will be made by the Designated Assessor to the Principal & Chief Executive unless it is alleged that the Principal & Chief Executive is involved in the alleged malpractice; or unless there are other reasonable grounds for not doing so, in which case the recommendations will be made to the Chair or the Vice-Chair of the Corporation.

6.4 In any case the recommendations will be made without revealing the identity of the Discloser (save as provided in paragraph 8 below). The recipient of the recommendations will take all steps within his or her power to ensure that they are implemented except to the extent that in the view of the recipient there are good reasons for not doing so. (If the Principal & Chief Executive decides not to implement fully any such recommendations, that decision will be notified in writing to the Chair of the Corporation as soon as practicable, together with the reasons for it.)

6.5 Once the Principal & Chief Executive (or other recipient) has decided what further steps (if any) should be taken, the Designated Assessor will inform the Discloser of the decision. If no further steps by the College are proposed, the Designated Assessor will give the reasons for this.

7. EXTERNAL DISCLOSURE

7.1 If, having followed this procedure, the Discloser is not satisfied with the further steps (if any) decided upon or the outcome of any such steps, the Discloser may raise the matter concerned externally on a confidential basis to outside bodies (e.g. the Health & Safety Executive, DfE, the Inland Revenue, the Financial Services Authority, the National Audit Office, an appropriate Examining Body, the Police, Local Councillor or MP, or other appropriate public authority, [Protect](#) or the individual's trade union), who will be able to

advise on such options and the circumstances in which individuals may be able to contact an outside body safely, the Discloser must also show that s/he

- a) reasonably believes that the alleged malpractice falls within the remit of the other person or body;
- b) reasonably believes that the disclosure is substantially true;
- c) does not make the disclosure for personal gain;
- d) at the time of disclosure, s/he reasonably believes that s/he will be subjected to a detriment, whether it be detrimental treatment short of dismissal, termination of the contract or victimisation, if s/he raises the matter internally or externally with a prescribed regulator;
- e) where there is no appropriate prescribed regulator and s/he reasonably believes that relevant evidence will be concealed or destroyed if the matter is raised with the employer; or
- f) that s/he has previously made a disclosure of substantially the same information to his employer or a prescribed regulator and in all the circumstances it is reasonable for him to make the disclosure; or
- g) that the relevant failure is of an exceptionally serious nature.

7.2 Before taking such action, the Discloser will inform the Designated Assessor.

7.3 If an individual wishes independent advice in relation to their concerns then they should contact or seek trade union advice or contact the independent charity Protect on 020 3117 2520 or submit an online query via <https://protect-advice.org.uk>, who provide free confidential advice at any stage about how to raise a concern about serious malpractice at work.

7.4 The Discloser may also raise the matter in accordance with the above if the Discloser has reasonable grounds for believing that all of the available Designated Assessors are or were involved in the alleged malpractice or that the Discloser will be subjected to a detriment as a result of making the disclosure.

8. PROTECTION OF DISCLOSERS - SAFEGUARDS

8.1 Any report or recommendations by the Designated Assessor in relation to the matter will not identify a genuine Discloser, unless the Discloser otherwise consents in writing or unless there are grounds to believe that the Discloser has acted maliciously. In the absence of such consent or grounds, the Designated assessor will not reveal the identity of the individual as the Discloser of information under this procedure except:

- where the Designated Assessor is under a legal obligation to do; or

- where the information is already in the public domain; or
- on a strictly confidential basis to the Designated Assessor's administrative assistant for the time being; or
- the discloser consents in writing; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

8.2 Any documentation (including computer files and discs) kept by the Designated Assessor relating to the matter will be kept secure, so that as far as practicable only the Designated Assessor [and their administrative assistant] shall have access to it. Such documentation will not reveal the identity of the Discloser as far as is practicable.

8.3 Where the Discloser involves a local trade union representative or work colleague in this procedure, the Discloser is responsible for ensuring that confidence about the matter is maintained by that person(s), as required by law or until such time as it comes into the public domain.

8.4 The Discloser will not be required by the College without their consent to participate in any enquiry or investigation into the matter established by the College unless there are grounds to believe that the Discloser may have been involved in misconduct or malpractice.

8.5 Where the Discloser participates in any such enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. However, the obligations of the Designated Assessor under this procedure will remain in relation to the identity of the individual as the original Discloser of information under this procedure.

8.6 No Discloser shall suffer any detriment as a result of raising a complaint under this procedure. If a Discloser feels that they have suffered in any way as a result of the disclosure of malpractice, they should raise the matter with an Assessor. In such a situation, it may be necessary to reveal the identity of the Discloser.

9. PROTECTION AGAINST DISCIPLINARY ACTION

9.1 No such disciplinary action will be taken against a Discloser on the grounds of a disclosure made by the Discloser in accordance with this procedure. However, this will not prevent the College from bringing disciplinary action in cases where there are grounds to believe that a false allegation has been

made maliciously or vexatiously or where an external disclosure is made in breach of this procedure without reasonable grounds.

10. AMENDMENTS/REVIEW

10.1 This procedure may be amended by the Corporation from time to time following consultation with recognised unions and other workplace representatives.

10.2 This procedure will be reviewed at least every 2 years and more often if it is thought to be helpful given legislative changes, case law and/or local experience. Any comments or suggestions about the procedure are to be referred to the Director of Governance or the Director of Human Resources.

DRAFT

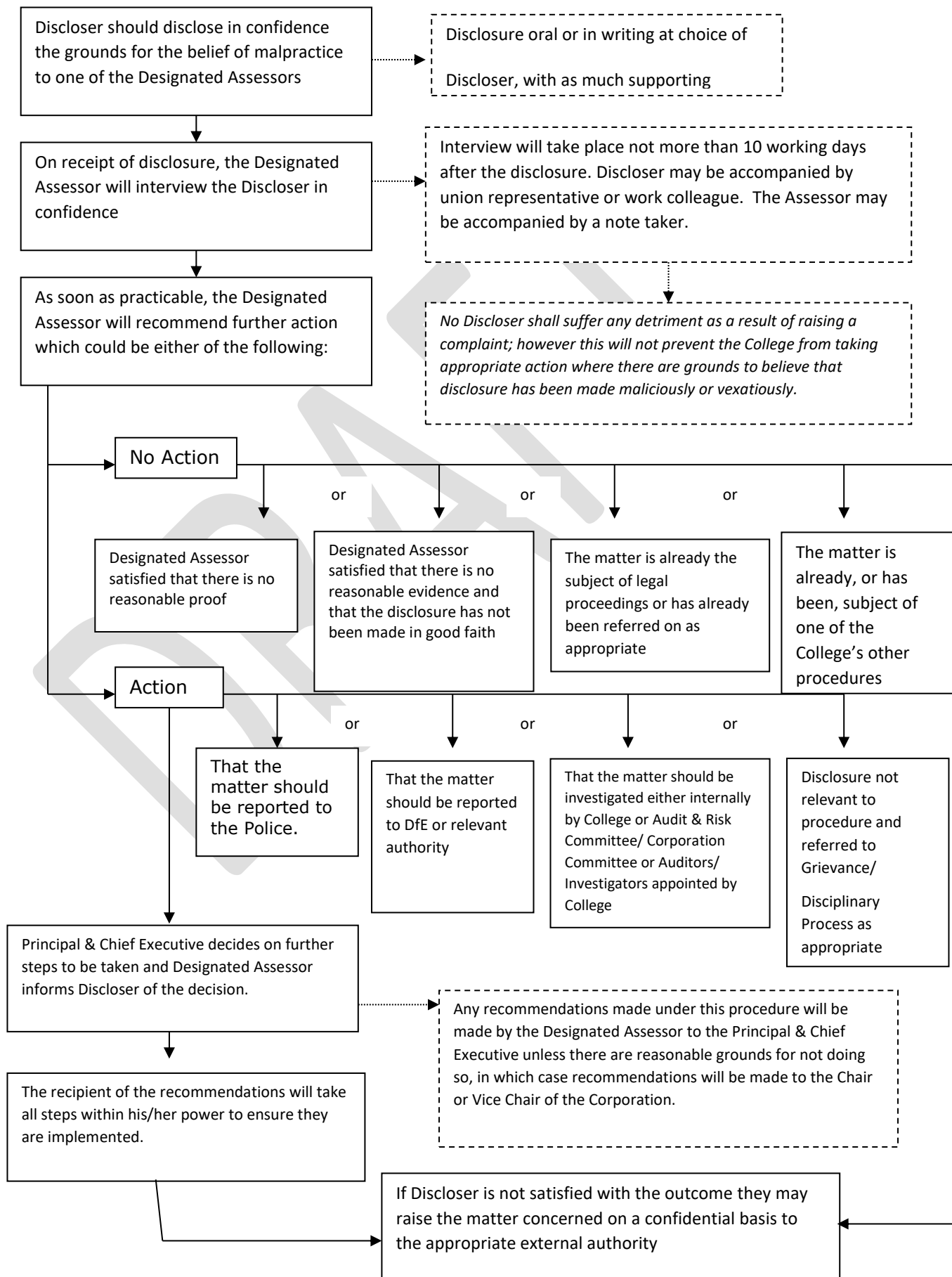
**PUBLIC INTEREST DISCLOSURE PROCEDURE
DESIGNATED ASSESSORS**

The designated assessors for Waltham Forest College are:

Name	Job Title	College Contact Details
Naomi Shoffman	Director of Governance	naomi.shoffman@waltham.ac.uk Tel: (020) 8501 8144
Jade Blackburn	Director of HR	jade.blackburn@waltham.ac.uk Tel: (020) 8501 8298
Abena Rodman-Tay	Deputy Principal (Corporate Resources)	abena.rodman-tay@waltham.ac.uk Tel: (020) 8501 8118
Hassan Rizvi	Deputy Principal (Curriculum and Quality)	Hassan.rizvi@waltham.ac.uk Tel: (020) 8501 8298

Appendix 2

Public Interest Disclosure Procedure – Flow Chart



Appendix 3

(For use if making a written disclosure)

**WALTHAM FOREST COLLEGE
PUBLIC INTEREST DISCLOSURE PROCEDURE**

Confidential Memorandum

To:

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.....

(Please name the Designated Assessor you would like to address)

From:

.....
.....

Date:

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.....

**CONCERN ABOUT MALPRACTICE UNDER THE COLLEGE PUBLIC INTEREST
DISCLOSURE PROCEDURE**

I would like to notify you, as one of the College Designated Assessors, of concerns under the College Public Interest Disclosure Policy of malpractice

- 1 Details of malpractice
- 2 Date or period of time when malpractice occurred
- 3 The allegation is made against
- 4 Evidence (Supporting evidence listed below is attached)

Please contact me as soon as possible to arrange a date for a meeting (The PID Procedure requires the Designated Assessor to offer an interview within 7 working days, but no later than 10 working days)

Name:

.....
.....

Contact details:

.....
.....

Signed:

Date:

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WALTHAM FOREST COLLEGE

PUBLIC INTEREST DISCLOSURE PROCEDURE

Confidential Memorandum

To:

.....
.....

From:

.....
.....

(Designated Assessor)

Date:

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.....

**CONCERN ABOUT MALPRACTICE UNDER THE COLLEGE PUBLIC INTEREST
DISCLOSURE PROCEDURE**

With reference to your memorandum dated:

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Thank you for raising your concern about malpractice.

I would like to invite you to discuss the matter further at a meeting on

.....

(normally within 7 working days but no later than 10 working days).

This will be undertaken within the College unless you would prefer an alternative venue. Please indicate whether you will be accompanied by a trade union representative or a work colleague.

The purpose of this meeting is for me to obtain as much information about your concern as possible and to discuss any further steps that might be taken. If you have any additional evidence which supports your concern, please bring this with you to the meeting.

Signed: