

# QUEEN ALEXANDRA COLLEGE

## Whistleblowing

### 1. INTRODUCTION

- 1.1 Queen Alexandra College is committed to the highest standards of openness, probity and accountability and an important aspect of accountability and transparency is a mechanism to enable employees, learners, clients, volunteers and governors of QAC to voice concerns in a responsible and effective manner.
- 1.2 It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within QAC then this information should be disclosed internally without fear of reprisal or victimisation and there are arrangements and procedures in place to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).
- 1.3 This policy is in line with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 (ERRA 2013). This legislation gives legal protection to employees against being dismissed, victimised, penalised or otherwise mistreated by their employer or colleagues as a result of publicly disclosing certain serious concerns. QAC has endorsed the provisions set out below so as to ensure that no member of staff should feel at a disadvantage or threatened in raising legitimate concerns or concerns at the time they thought were genuine.
- 1.4 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. QAC considers that it is reasonable to expect employees to invoke this policy and resulting procedures rather than individuals air their complaints outside the College. It is not designed, however, to question financial or business decisions taken by QAC nor should it be used to reconsider any matters which have already been addressed under discrimination, harassment, grievance, disciplinary or other procedures. In addition, the ERRA 2013 requires that in relation to public interest, employees are precluded from being able to 'blow the whistle' about breaches of their own employment contract. Employees wishing to make such a complaint can still use other QAC procedures (grievance, complaints etc).

### 2 SCOPE OF POLICY

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2.1 This policy is designed to enable employees of QAC to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may, initially, be investigated separately but might then lead to the invocation of other policies and procedures such as QAC's Disciplinary Policy. These concerns could include:

- financial malpractice or impropriety or fraud
- failure to comply with a legal obligation or statute
- dangers to health & safety or the environment
- criminal activity
- improper conduct or unethical behaviour
- attempts to conceal any of the above

### 3. **SAFEGUARDS**

#### 3.1 **Protection**

3.1.1 This policy is designed to offer protection to those employees of QAC who disclose such concerns as above provided the disclosure is made:

- in the reasonable belief that it shows malpractice or impropriety
- to an appropriate person (see section 4 below).

3.1.2 It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to invoke this policy and the procedure it details. Also it should be noted that malicious or wild allegations may give rise to legal action on the part of the persons complained about.

#### 3.2 **Confidentiality**

3.2.1 QAC will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

#### 3.3 **Anonymous Allegations**

3.3.1 This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of QAC.

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3.3.2 In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources

#### 3.4 **Unproven Allegations**

3.4.1 If an individual makes an allegation in the reasonable belief that it shows malpractice or impropriety which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

### 4. **DESIGNATED OFFICERS**

4.1 Principal, ext 5013  
Deputy Principal – Academic, ext 5012  
(Lead Officer) -Director of HR – ext 5014  
Director of Governance /Company Secretary ext 5022  
Director of Finance & Resources x 5030

4.2 The Lead Officer will be responsible for any training relevant to the use of this procedure.

### 5. **PROCEDURES FOR MAKING A DISCLOSURE**

5.1 The individual making the disclosure should disclose in confidence the grounds for the belief of malpractice to one of the Designated Officers. The choice of Designated Officer will be for the Discloser to decide but a Designated Officer may decline to become involved on reasonable grounds, including possible previous involvement or interest in the matter concerned, incapacity or unavailability or if a Designated Officer is satisfied (after consulting the Lead Officer or Director of Governance) that some other Designated Officer would be more appropriate to consider the matter in accordance with this procedure.

5.2 On receipt of a complaint of malpractice, the Designated Officer will:

- investigate the complaint of malpractice unless the complaint is against the Principal or is in any way related to the actions of the Principal or connected with him/her. In such cases, the complaint should be passed to the Chair of Governors, via the Director of Governance, who will set up and chair an investigating panel made

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up of suitable Board members.

- 5.2 The complainant has the right to bypass this structure and take their complaint direct to the Chair of Governors. The Chairman has the right to refer the complaint back to one of the Designated Officers if they feel that Senior Management can, without any conflict of interest, more appropriately investigate the complaint.
- 5.3 If there is evidence of criminal activity then the Designated Officer must inform the police. QAC will ensure that any internal investigation does not hinder a formal police investigation.
- 5.4 In any significant instance of fraud, irregularity or a major weakness or breakdown of accounting or other control framework is discovered/ suspected the chair of the audit committee, relevant funding body and both internal and external auditors will be informed as soon as possible.

## 6. **TIMESCALES**

- 6.1 Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The Designated Officer will ensure that the investigation is undertaken as quickly as possible without affecting the quality and depth of the information gathered.
- 6.2 The Designated Officer will, as soon as practically possible, acknowledge receipt of the concern to the complainant and, thereafter, report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the Designated Officer will keep the complainant informed as to the progress of the investigation and as to when it is likely to be concluded.
- 6.3 All communication and responses as above will be in writing or in an alternative format sent to the complainant's home address.

## 7 **INVESTIGATING PROCEDURE**

- 7.1 The Designated Officer will carry out the following:
- Obtain full details and clarifications of the complaint.
  - Inform the employee against whom the complaint is made as soon as is practically possible.
  - Inform the member of staff of their right to be accompanied by a trade union or a work colleague at any future interview or hearing held under the provision of these procedures.
- 7.2 The Designated Officer will consider the involvement of QAC's auditors

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and the Police at this stage and should consult with the Principal or Chairman of Governors.

- 7.3 The allegations should be fully investigated by the Designated Officer with the assistance of another Designated Officer or, where appropriate, from other individuals or agencies.
- 7.4 A judgement concerning the complaint and validity of the complaint will be made by the Designated Officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement.
- 7.5 The Designated Officer will decide what action to take. If the complaint is shown to be justified, then he or she will invoke the Disciplinary or other appropriate QAC policy or procedure.
- 7.6 The complainant will be kept informed of the progress of the investigations and, if appropriate, of the final outcome
- 7.7 If appropriate, a copy of the outcomes will be passed to QAC's Auditors to enable a review of the procedures.

## 8. **APPEAL**

- 8.1 If the complainant is not satisfied that their concern is or has been properly dealt with by the Designated Officer, they have the right to raise it in confidence with the Lead Officer as described above or to the Chair of Governors if the complaint was investigated by the Board. If the concern was dealt by the Lead Officer and the complainant is not satisfied, they can raise it with the Chair of Governors.
- 8.2 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, QAC recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the College's funding bodies), or, where justified, elsewhere. Ofsted can be contacted on <https://contact.ofsted.gov.uk/online-complaints> or to contact Ofsted about concerns by email [CIE@ofsted.gov.uk](mailto:CIE@ofsted.gov.uk) / phone 0300 123 4666.

## 9. **HELP AND GUIDANCE**

- A member of the College's Management Team or Line Manager if appropriate
- Union Representatives

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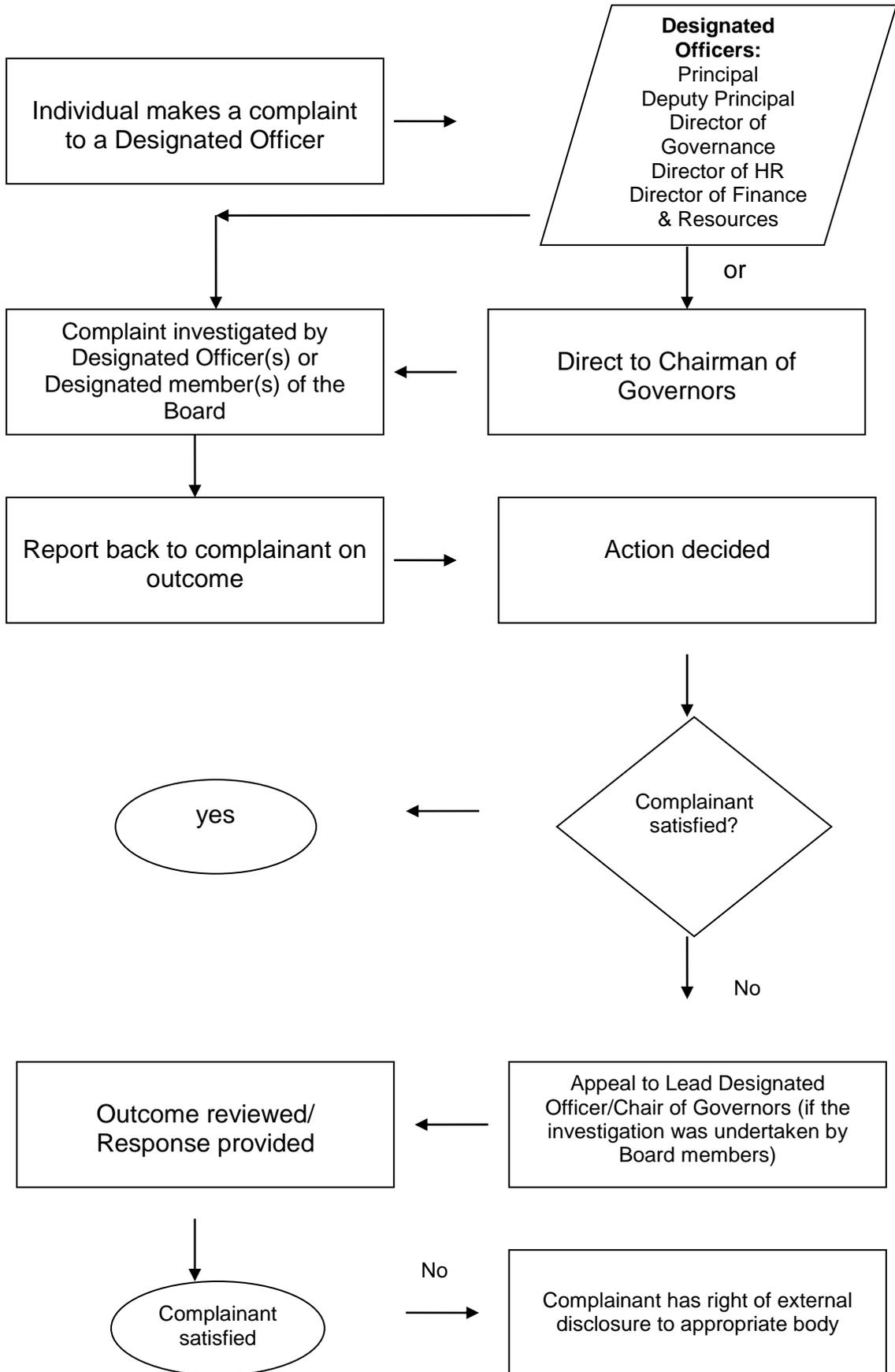
Other Related policies and procedures:

Media Relations Policy  
Social Media Policy  
Contact with Police  
Risk Management procedures

<b>Policy Number</b>	<b>2.19</b>		
<b>Department/Area of Operations</b>	<b>Management Information</b>		
<b>Version</b>	<b>Draft 1</b>	<b>Date of Review</b>	<b>23 January 2020</b>
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## QAC Raising a Concern (“Whistleblowing”) Process



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