

St Anne's College Whistleblowing policy

Introduction

The College aims to conduct its business at all times with the highest standards of integrity and honesty. We expect all those working at the College to maintain the same standards in everything they do. All those who work for us are therefore strongly encouraged to report any perceived wrongdoing by the College or its Fellows, employees, workers, contractors or agents that falls short of these principles.

Aims of this policy

This policy aims to assist in the early detection of any inappropriate behaviour or practices within the College and to provide a clear procedure for individuals to report to us any wrongdoing at work which they believe has occurred or is likely to occur. We recognise that individuals may not always feel comfortable about discussing their concerns internally, especially if they believe that the organisation itself is responsible for the wrongdoing. The aim of this policy is to ensure that they feel confident and able to raise any reasonable concern about our business activities in the knowledge that it will be taken seriously, and that no action will be taken against them. The College considers that it is reasonable to expect individuals to use this 'whistle-blowing' procedure rather than air their concerns outside the College.

Scope of this policy

This policy covers all individuals, including those on part-time and/ or fixed-term contracts, together with any casual workers or agency workers. It aims to protect those who make a 'protected disclosure' either during their employment (or duration of the contract/agreement in the case of workers) and also after this has ended, and also enables them to act in respect of any victimisation.

The Public Interest Disclosure Act 1998 (the "Act") provides employees with legal protection against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. It also requires individuals who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by their employer in all but the most exceptional circumstances.

The College has in place a number of policies and procedures to address problems that may arise for its Fellows, employees and students, including those relating to grievance, harassment, discipline, and individual allegations of fraud and financial misconduct. In many instances where there is a suspicion of improper behaviour, allegations will be such as to be dealt with directly by reference to these procedures, details of which are set out in the College Statutes and Regulations and summarised in staff handbooks.

Responsibility for this procedure

The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the Governing Body, although it may formally delegate this role to one or more committees or other bodies.

Fellows, Managers and supervisors have a crucial role to play in encouraging others, including individuals under their supervision to report any concerns they may have. Any individual who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within the College is required to report this to their manager, or to use the procedure set out below.

All individuals, irrespective of their role or seniority, are required not to subject any other employee or worker to any detrimental treatment nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so, nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, an individual who has victimised a colleague may be personally liable for any such victimisation.

Qualifying Disclosures

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the College has committed a “relevant failure” by:

- criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail;
- failure to comply with legal obligations;
- danger to health and safety;
- damage to the environment;
- academic or professional malpractice;
- a miscarriage of justice;
- failure to comply with the statutes, regulations and codes of practice of the University;
- attempts to conceal any of the above.

This policy is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to address the following:

- to question financial or business decisions taken by the College;
- to reconsider any matters which have already been addressed under grievance or disciplinary procedures;
- to investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
- to investigate an academic dispute between a student and the College.

The individual does not have to be able to prove the allegations, but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded, but it is preferred that the issue or concern be raised, rather than run the risk of not detecting at an early stage.

Protection

An individual making a disclosure relating to such matters to the appropriate person will not be penalised, and will be protected from retaliation, provided the disclosure is made:

- a) in good faith; and
- b) in the reasonable belief of the individual making the disclosure that the information disclosed, and any allegation contained in it, are substantially true.

Malicious allegations

In the event of malicious or vexatious allegations, disciplinary action may be taken against the individual concerned.

Confidentiality

The College will take all reasonable steps to safeguard the confidentiality of a whistle-blower, however confidentiality cannot be guaranteed.

Reports made anonymously limit the ability of the College to undertake investigations and provide feedback effectively. Further, where there is no documentary evidence linking an anonymous person to the disclosure, any staff or associated persons, who submit a report anonymously, may not qualify for the protections received as a whistle-blower.

Procedure

If appropriate, the individual should informally discuss the matter with their manager in the first instance. However, should they prefer (perhaps because their immediate manager is unavailable or indeed might be the cause of the concern), then another manager or College Officer may be approached.

If the matter requires further investigation, this will be carried out and the individual will be informed of the outcome of the investigation and what action, if any, has been taken. Where such investigation involves outside agencies (e.g. police) this may cause some delay in the investigation.

If the individual remains unhappy about the speed or conduct of the investigation, or the way in which the matter has been resolved, they should refer the matter to the Principal.

Following further investigation of the complaint, the individual will be informed of the result and what, if any, action has been taken.

Matters suspected to involve the Principal should be reported to the Vice-Principal.

Reporting to external bodies

The College recognises there may be matters that cannot be dealt with internally and external authorities, such as the police, the Health and Safety Executive or external auditors, will need to become involved. Where this is necessary, we reserve the right to make such a referral without the reporting individual's consent.

Protection from suffering detriment

The College undertakes that no Fellow, employee or worker who makes a bona fide report under this procedure will be subjected to any detriment as a result, and the College will not condone any form of victimisation, bullying or other detrimental treatment (e.g. by co-workers) of anyone who has raised a concern under the remit of this policy. If any Fellow, employee or worker feels that they are being subjected to detriment treatment, bullying or harassment by any person within the College (including their colleagues and co-workers) as a result of their decision to invoke this

procedure, they must inform the Treasurer, Head of Human Resources or the Principal immediately. Appropriate action will be taken to protect them from any reprisals.

Any victimisation, bullying or detrimental treatment will be considered under the College's disciplinary policy, and may result in formal disciplinary sanctions being taken against the perpetrator(s). The perpetrator(s) may also be subject to separate civil proceedings, under UK law. However, if it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another member of the College, this will constitute misconduct and will be dealt with through our disciplinary procedure.

Monitoring and review of this policy

The Governing Body of the College has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Related policies

- Anti-bribery policy
- Harassment policy
- Data Protection policies
- Disciplinary policy
- Grievance policy