

**City of Sunderland College**  
**Public Interest Disclosure Policy and Procedure**

**1 Introduction**

- 1.1 The College is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide all workers (as detailed at 2.1) with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise genuine concerns about malpractice in connection with the College without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.
- 1.4 The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.

**2 Applicability of this policy and procedure**

- 2.1 This procedure applies to all employees, an agency contract worker, contractors, volunteers and casual workers employed or engaged, by Sunderland College, its campuses and any of its work placements, who offer qualifications on behalf of the College, and who disclose information in accordance with this policy. They are referred to as workers throughout this document.
- 2.2 Any worker who is unsure about whether to raise their concern under this policy or as a personal grievance under the College's grievance procedure is encouraged to approach the People and Development team in confidence for advice.

**3 Protected disclosures**

- 3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected disclosure' must, in the reasonable belief of the worker

making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

#### **4 Specific Subject Matter**

4.1 If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

#### **5 Procedure for making a disclosure**

5.1 Within the College the Principal of the College will ensure that at least three senior members of staff with appropriate experience and standing within the College are responsible for dealing with whistleblowing incidents. These individuals are known as Designated Assessors, at the date of the adoption of this procedure the Designated Assessors will be:-

- Nigel Harrett, Principal Northumberland College
- Vikkie Morton, Assistant Principal Student & Customer Experience
- Judith Quinn, Vice Principal Curriculum

5.2 Information which a worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to a designated assessor.

5.3 The worker may want to discuss this with their line manager in the first instance or seek support from the People and Development team.

5.4 If the disclosure relates to the Principal/Chief Executive, a worker can raise the issue with Head of Governance and Policy. In the event that the disclosure relates to the Head of Governance and Policy or any Governor a worker can raise the issue with the Chair of the Board of Governors. If the disclosure relates to the Chair of Governors the issue can be raised with the Chief Executive.

5.5 Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College may have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure; and
- How likely it is that the concern can be confirmed from attributable sources.

5.6 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, workers should speak in confidence to a HR Business Partner or the Director of People and Organisational Development.

5.7 Any disclosure to a Designated Assessor under this procedure shall, wherever possible, be in writing. The worker should provide as much supporting written evidence as possible about the disclosure and the grounds for the belief of malpractice.

5.8 When a worker makes a disclosure, the College will acknowledge its receipt, in writing, within a reasonable time. The Designated Assessor will offer to interview the worker in confidence, as soon as practicable after the initial disclosure. The purpose of the interview will be for the Designated Assessor to obtain as much information as possible about the grounds of the belief of malpractice and to consult with the worker about further steps which could be taken.

5.9 The Discloser may be accompanied by a local trade union representative or work colleague at the interview. The Designated Assessor may be accompanied by a note taker.

## **6 Procedure for investigation of a disclosure**

6.1 The Designated Assessor will carry out an initial assessment to determine the scope of any investigation. It will inform the worker of the outcome of its assessment.

6.2 The Designated Assessor will determine the appropriate action to take (including action under any other applicable College policy or procedure). Possible actions could include internal investigation; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

6.3 If any internal investigation is to be conducted it will be by the Designated Assessor without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate. In some cases the College may appoint a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.

- 6.4 Any recommendations for further action made by the Designated Assessor will be addressed to the Principal/CEO as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 6.5 The worker making the disclosure will usually be notified of the outcome of any action taken by the College under this policy and procedure within a reasonable period of time. However, sometimes the need for confidentiality may prevent the College giving the worker specific details of the investigation or any disciplinary action taken as a result. Workers should treat any information about the investigation as confidential.
- 6.6 If the worker is not satisfied that their concern has been appropriately addressed, they can raise it with the Principal/Chief Executive within 10 working days. The Principal/Chief Executive will make a final decision on action to be taken and notify the worker making the disclosure.
- 6.7 The grounds on which the Designated Assessor may conclude that no further action by the College should be taken are as follows:
- that the Designated Assessor is satisfied that the Discloser does not have a reasonable belief that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur; or
  - that the matter concerned is already the subject of legal proceedings, or has already been referred to the police, the appropriate Funding Agency, the Department for Innovation, Business and Skills or other public authority; or
  - that the matter is already (or has already been) the subject of proceedings under one of the College's other procedures relating to staff or students.

## **7 Safeguards for workers making a disclosure**

- 7.1 A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the College and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 7.2 The College will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the College does not identify the worker making the disclosure without their written consent, or unless the College is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3 No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent the College from bringing disciplinary action against a worker where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the College without reasonable grounds.
- 7.4 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a

disclosure in accordance with this policy and procedure. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

## **8 Disclosure to external bodies**

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally.
- 8.2 The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The College strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline.
- 8.3 Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on [the GOV.UK website](#).

## **9 Accountability**

- 9.1 The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the College's Board of Governors on an annual basis as appropriate. These records will be retained for 3 years.

## **10 Further assistance for workers**

- 10.1 The College will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Principal.

Staff must not threaten or retaliate against whistle-blowers in any way and staff that are found to be involved in such conduct you may be subject to disciplinary action. [In some cases the whistle-blower could have a right to a member of staff personally for compensation in an employment tribunal.]

- 10.2 A worker making a disclosure may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to Human Resources Business Partner. Requests will be treated in confidence.
- 10.3 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers  
6 - 10 Borough High Street  
London SE1 9QQ  
Whistleblowing Advice Line: 020 7404 6609  
<http://www.pcaw.org.uk>