



Thomas Telford University Technical College

Public Interest Disclosure (Whistleblowing)

Thomas Telford UTC Board of Governors is committed to the highest standards of openness, probity and public accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the Department for Education.

Therefore, the Board is committed to the prevention and detection of fraud, corruption and malpractice and has adopted this policy with the purpose of encouraging staff to raise any concerns that they may have in such matters. Concerns must usually be brought to the attention of UTC management in the first instance. Nevertheless, the policy also sets out how staff may raise their concerns with the Board or, as a last resort; outside the organisation should they feel that this is warranted after the matter has been dealt with internally by the UTC. By these means, potentially damaging, dangerous and embarrassing matters can be dealt with and resolved internally

The Public Interest Disclosure Act 1998 (PIDA) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain concerns. Employees are subject to an implied contractual term of confidence and trust, which seeks to prevent them from disclosing their employer's confidential information. There may also be within the contract of employment a specific confidentiality clause. However, where an individual discovers information which they believe shows malpractice or impropriety within the organisation, this information should be disclosed without fear of reprisal and, if appropriate, such a disclosure may be made independently of line management.

It should be emphasised that this policy and procedure is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the UTC, and it is not a mechanism for employees to raise private grievances or grievances about their employment situation.

Author	Av Gill	Version	2
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Comments			
Monitoring, Evaluation and Review	This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Principal, or nominated representative.		

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1. Purpose

1.1. This Policy is intended to cover the disclosure by an employee of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his or her fellow employees. The policy and procedure may also be used by agency staff and contractors working at the UTC. Examples of issues that might be raised are

- 1.1.1.** concerns around child protection failures
- 1.1.2.** financial malpractice, impropriety or fraud
- 1.1.3.** bribery, corruption, improper conduct or unethical behaviour including abuse of students/staff
- 1.1.4.** dishonesty including criminal activities
- 1.1.5.** failure to comply with a legal obligation
- 1.1.6.** miscarriage of justice
- 1.1.7.** academic or professional malpractice
- 1.1.8.** dangers to health, safety or the environment
- 1.1.9.** attempts to conceal any of the above

2. Protection of Staff raising concerns

2.1. The Public Interest Disclosure Act 1998 (PIDA) gives legal protection to employees who raise concerns provided that they:

- 2.1.1.** are acting in good faith
- 2.1.2.** have reasonable grounds for believing that the information disclosed indicates the existence of one or more of the following
- 2.1.3.** that a criminal offence has been committed, or is likely to be committed
- 2.1.4.** that a person has failed, is failing or is likely to fail to comply with any legal obligation to which s/he is subject
- 2.1.5.** that a miscarriage of justice has occurred, is occurring or is likely to occur
- 2.1.6.** that the health and safety of any individual has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it

2.1.7. that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed

2.2. The UTC will treat as a serious disciplinary matter any example of a manager or member of staff seeking to deter an employee from raising a legitimate concern.

2.3. Staff who bring legitimate concerns to the attention of UTC management will have the right to have the matter treated confidentially and not to have their name disclosed to the alleged perpetrator of malpractice without their prior approval. A person raising a concern will not be required to put the matter in writing although the manager with whom they discuss the issue will take notes which do not identify the complainant.

2.4. If an employee, in good faith, makes an allegation in accordance with this policy and procedure which is not confirmed by subsequent investigation, no action will be taken against that individual.

3. Accountability of staff raising concerns

3.1. The UTC has a responsibility to ensure that staffs against which concerns are raised are treated fairly and it is important that staff should realise that an allegation made under this Policy is a serious matter. Concerns should be raised only if disclosure is in the interests of the UTC, the staff, the students or the public (ie for the protection of one of these groups).

3.2. It is an abuse of the Policy to bring a false, malicious accusation. Therefore, it must be understood that falsely or maliciously raising unfounded allegations will be treated as a serious disciplinary offence and, in the case of making such an allegation externally, could involve the offence of bringing the UTC into disrepute.

4. Anonymous Allegations

Anonymous allegations will not normally be considered under this procedure. However, if the allegations are of a serious nature and there is sufficient supporting evidence to enable the UTC to undertake an investigation, they may be considered.

A free, confidential employee helpline service (tel: 0207 404 6609) is provided by the independent charity "Public Concern at Work" which offers independent advice to anyone worried about malpractice in the workplace. Further information is available online at www.pcaw.org.uk.

For staff who do not feel able to raise concerns regarding child protection failures internally staff are now able to report their concerns via the NSPCC whistleblowing helpline on 08000280285 or by email: help@nspcc.org.uk

5. Procedure

5.1. How to raise a concern

5.1.1. Staff wishing to raise a concern should do so in accordance with the procedure set out below. It is acknowledged that anyone wishing to raise a concern may wish to seek advice and support from their trade union at any stage of the procedure.

5.2. Stage 1

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- 5.2.1.** Where a member of staff wishes to raise a concern, s/he should ordinarily discuss this with their line manager. However, in circumstances where these concerns relate to their line manager, or where the member of staff so chooses, the matter may be raised with any member of the Senior Management Team. The employee may contact the Clerk to the Governors if the concerns
- 5.2.1.1. relate to a member of the Senior Management Team, or
 - 5.2.1.2. relate to an individual governor or to the Board of Governors, or
 - 5.2.1.3. where there are exceptional circumstances, for example where an employee feels that the raising of the concern within the UTC could lead to the destruction of evidence of criminal activity
- 5.2.2.** The Clerk will deal with the matter under Stage 2 below.
- 5.2.3.** A member of staff raising a concern should first make an appointment with the manager with whom they wish to discuss the matter and, at the same time, advise him/her that the matter is one to be dealt with under this policy and procedure. If s(he) wishes, the member of staff may be accompanied by a friend or representative.
- 5.2.4.** The matter will be handled in the strictest confidence. The person raising the concern will not be required to put their concern in writing although they may do so if they wish. The manager with whom the matter is being raised will meet the member of staff and will take notes that do not identify the individual raising the concern.
- 5.2.5.** The manager with whom the concern has been raised will inform the Principal who will cause the matter to be investigated, or will inform the Police should criminal activity be suspected.
- 5.2.6.** The member of staff shall be kept informed of the progress of the investigation, particularly if this is protracted, and they shall be advised, in writing to their home address, of the outcome of the investigation of their concern and any action taken to resolve the issue. The employee shall have the right to raise the matter under stage 2 of this procedure if s/he is not satisfied that the matter is being dealt with properly.
- 5.2.7.** A member of staff against whom an allegation has been made will be informed at the time most appropriate to the nature of the allegation and the consequent investigation.

5.3. Stage 2

- 5.3.1.** Should the employee regard the matter as unresolved and wish to raise the issue with the Board, (s)he should contact the Clerk to the Governors (contactable through the Principal's Secretary) who will arrange to interview the member of staff and will gather all of the evidence available. The Clerk will then arrange for the matter to be brought to the attention of the Chair of the Governing Body. If the disclosure has been made direct to the Clerk and is of a criminal nature s/he may also notify the Police.
- 5.3.2.** The Chair of the Governing Body will review the action taken by management in relation to the concern raised and decide whether further investigation or action is required. In doing so, the Chair may interview the member of staff and any persons previously involved in dealing with the matter. If s(he) wishes, the member of staff may be accompanied at such an interview by a friend or representative. The Chair may commission such further investigation as he/she considers is warranted.

5.3.3. If the concern reported to the Clerk is one which affects the whole Board of Governors, the Clerk may seek advice from the Learning & Skills Council as to the steps to be taken to deal with the matter. In this eventuality, the Clerk must inform the Chair of the Board and the Principal that this has been done.

5.3.4. The Clerk will advise the member of staff, in writing to their home address, of the outcome of the Chair's review and any further action taken to resolve the issue.

5.4. Stage 3

5.4.1. If, having fully exhausted the procedure for raising the matter internally, the employee is still dissatisfied with the way in which the UTC has addressed the issue, s(he) may then raise the concern with one of the following external bodies

- 5.4.1.1. the UTC's internal or external auditors
- 5.4.1.2. the Department for Education and Employment
- 5.4.1.3. the Health & Safety Executive
- 5.4.1.4. the National Audit Office
- 5.4.1.5. a Member of Parliament

5.4.2. The Clerk to the Governors will advise the employee how to progress the matter and will provide all of the collected evidence for the external body.

6. Familiarisation and Training

6.1. This policy and procedure forms part of the induction package for new employees.

6.2. Staff development will include education and training as to the circumstances in which it would be appropriate to use the procedure. Designated managers and governors who might hear disclosures will receive training in reacting to and dealing with, concerns raised under the procedure.

7. Dissemination of the Policy

This policy is available on the UTC website, on request to parents and carers, the LA and Ofsted through the Principal.

8. DfE Guidance and other documentation and guidance has been used to create this document.

The specific guidance documents include:

- Gov.uk