



ORIEL COLLEGE

WHISTLEBLOWING POLICY (MAKING A PROTECTED DISCLOSURE)

Whistleblowing Definition

Whistleblowing is a report by the College's staff or students of specific malpractices to the College authorities. Details of the types of report and malpractices that are covered are set out in this Policy.

Purpose

1. The College is committed to conducting itself with honesty and integrity and expects all members of staff and student members to maintain high standards. However all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
2. The Public Interest Disclosure Act 1998 provides employees with legal protection against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. The following procedure and associated guidance have been designed to assist employees who wish to make such disclosures, and to secure their proper investigation. Although the terms of the Act offer protection specifically to employees, this procedure is also available to student members and members of Governing Body.
3. The aims of this policy are:
 - a. To encourage staff and students to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - b. To provide staff and students with guidance as to how to raise those concerns.
 - c. To reassure staff and students that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

4. This policy covers all employees, student members and members of the Governing Body.
5. All staff and students are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing. The procedure below sets out the way the College will address such concerns.
6. Please note, this policy does not form part of any employee's contract of employment and the College may amend it at any time.
7. The College is required to investigate certain complaints made to them by those identified above. The College also has in place a number of policies and procedures to address problems that may arise for its employees and students, including those relating to grievance, bullying and harassment and discipline. 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 rather than under this policy.
8. This procedure is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to address the following:
 - a. to question financial or business decisions taken by the College;
 - b. to reconsider any matters which have already been addressed under grievance or disciplinary procedures;
 - c. to investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
 - d. to investigate an academic dispute between a student and the College (complaints of this nature should be addressed to the Senior Tutor).
9. Individuals are encouraged to bring to the attention of the College any matters referred to below about which they are concerned.

Remit

10. Following the relevant legislation, this guidance is directed specifically at the disclosure of information which in the reasonable suspicion of the person making the disclosure tends to show malpractice involving one or more of the following:
 - a. criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail;
 - b. failure to comply with legal obligations;
 - c. danger to health and safety, including breaches under COVID-19 secure legislation;

- d. damage to the environment;
- e. academic or professional malpractice;
- f. a miscarriage of justice;
- g. failure to comply with the statutes or policies and procedures of the College;
- h. attempts to conceal any of the above.

If an individual is uncertain whether something is within the scope of this policy they should seek advice from the Treasurer.

External Disclosures

11. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within College. In most cases an individual should not find it necessary to alert anyone externally.
12. The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. It will rarely if ever be appropriate to alert the media. The College strongly encourages you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. If an individual contacts the confidential helpline they should ensure they inform the person they speak to of the contents of this policy. Public Concern at Work also has a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Protection

13. An individual must not suffer any detrimental treatment as a result of raising a genuine concern. Staff should be aware that they can be held personally liable as well as, or instead of, the College for detrimental treatment of someone who has reported wrongdoing. Examples of detrimental treatment include, bullying, harassing, threatening, side-lining, singling out or unjustifiably disciplining a colleague because they have reported wrongdoing or invoked this procedure. The College will not tolerate reprisals of any kind, and such behaviour will be dealt with under the College's disciplinary procedures.

Confidentiality and Anonymous Allegations

14. The College hopes that individuals will be able to voice genuine concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If an individual wants to raise a concern confidentially the College will make every effort to keep their identity secret and only reveal it where necessary to those involved in

investigating the concern.

Malicious Allegations

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

Procedure

Any member of staff who wishes to report alleged wrongdoing by the college under our Whistleblowing policy should first put it in writing. The individuals you should send your concerns to are detailed in 16 and 17 below.

16. Non-academic staff should in the first instance raise any concerns with their head of department. If the individual raising the concerns reasonably believes his/her head of department to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach his/her head of department, any concerns should be raised with the Treasurer.
17. Academic staff and students may raise any concerns with the Senior Tutor, or Senior Dean or directly with the Treasurer.
18. Once a complaint has been received the college will write to you within 5 working days to acknowledge it and at that stage we will ask you to provide further details so that we can a) investigate it thoroughly and b) ensure that the complaint falls under our Whistleblowing policy rather than another one of our college policies. If on balance the college believes that the matter should be dealt with under another policy then you will be informed of this and advised on which policy would apply.
19. The head of department, Senior Tutor or Senior Dean will refer the matter to the Treasurer who will either investigate the matter him/herself or immediately pass the issue to someone who he/she feels is appropriate to investigate. The investigation may involve the individual and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The individual's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The person who carried out the investigation will then report to the Governing Body, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the Treasurer will report the matter to human resources and the disciplinary procedure will be invoked. On conclusion of any investigation, the individual will be told the outcome of the investigation and what the Governing Body has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained. However the College will not be able to inform the individual of any matters which would infringe the duty of confidentiality owed to others.
20. If the individual is concerned that the investigating officer under paragraph 18 is involved in the wrongdoing, has failed to make a proper investigation or has failed to

report the outcome of the investigations to the Governing Body, then they should inform the Treasurer or Provost as appropriate, who will arrange for another senior member of the College to review the investigation carried out, make any necessary enquiries and make his/her own report to the Governing Body as in paragraph 18 above.

21. If the concerns raised relate to the actions of the Treasurer, the individual raising the concerns should approach the Provost who will conduct the procedure set out in paragraph 18. If the concerns raised are in relation to the actions of the Provost then the individual raising the concerns should approach the Vice Provost who will discuss the matter with the chairman of the Audit Committee and take such action as he/she believes appropriate consistent with the Statutes and employment law.
22. All concerns raised will be treated with the strictest confidence and every effort will be made to keep the individual's identity secret unless they consent to its disclosure. If it is necessary for anyone investigating the concern to know the individual's identity then the College will discuss this with them.
23. When an individual makes a disclosure, the college will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely, accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.
24. If on conclusion of the stages above the individual reasonably believes that the appropriate action has not been taken, he/she may wish to raise the concern externally. The College encourages individuals in this instance to seek guidance from the whistleblowing charity, Public Concern at Work, as to the appropriate person with whom to raise the concern externally. The Charity's contact details are set out below.

Public Concern at Work
(Independent whistleblowing charity)
Helpline: (020) 7404 6609
E-mail: whistle@pcaw.co.uk
Website: www.pcaw.co.uk