

Whistle Blowing Policy

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Policy owner	Stephen Belling
Policy author	Stephen Belling
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POLICY STATEMENT

1. INTRODUCTION AND DEFINITIONS

The Employment Rights Act 1996 as amended by The Public Interest Disclosure Act 1998 and Enterprise and Regulatory Reform Act 2013 protects a member of staff against detriment or dismissal for raising concerns about potential breaches of the law or other wrongdoing where these are matters of public interest (“Whistleblowing”). The Act and this policy apply to all staff and Governors including agency workers, temporary employees and contractors.

Although not subject to the legislation described above, the College will apply the same considerations and offer the same protections and assurances to students who raise concerns under this policy.

“Designated Persons” Are the officers and Corporation Member who are identified in this policy as those to whom whistleblowing allegations may be reported.

“Designated Corporation Member” is the Corporation Member appointed to receive whistleblowing allegations and determine whether to investigate them in the circumstances set out in this policy.

“Decision Maker” is the person responsible under this policy for deciding whether a whistleblowing allegation is to be investigated, and any further action to be taken in relation to the findings of an investigation.

2. PURPOSE

BMet is committed to the highest standards of integrity and honesty in conducting its business and to this end encourages staff members to raise genuine concerns about breaches of the law and other potential wrongdoings (“Malpractice”) without fear of repercussions.

This policy explains the potential Malpractice that is covered, how staff should report concerns and how these will be investigated.

3. WHAT IS WHISTLEBLOWING?

Whistleblowing is a report made about suspected Malpractice at work, where raising the concern is in the public interest. A Whistleblower is someone who raises a genuine concern about Malpractice because they want the problem to be addressed and resolved. The types of Malpractice covered by this policy are set out below under section 4.

Staff should not use this policy for complaints concerning their own personal circumstances. In these cases the College’s Grievance Procedure should be used and advice should be taken from HR about the process to be followed.

4. EXAMPLES OF “MALPRACTICE”

Where a staff member has information that they reasonably believe tends to show one or

more of the following, they should report their concerns using this policy:

- a criminal offence e.g. financial irregularity or corruption;
- bribery;
- failure to comply with a legal or regulatory obligation;
- a miscarriage of justice;
- a danger to the health and safety of an individual;
- damage to the environment;
- concealment of information relating to any one of the above.

5. PROCEDURE FOR MAKING A DISCLOSURE

A disclosure may be made to one of the following Designated Persons

- 5.1 Information which a staff member reasonably believes shows malpractice as defined by this policy should be disclosed promptly to their Vice Principal.
- 5.2 If the disclosure relates to the Principal and Chief Executive a staff member can raise the matter with the Company Secretary or the Designated Corporation Member.
- 5.3 If the disclosure relates to the Company Secretary, a staff member can raise the matter with the Principal and Chief Executive or the Designated Corporation Member.
- 5.4 In respect of all disclosures, except those covered by 5.3 above, the member of staff can choose to report these to the Company Secretary directly.
- 5.5 Alternatively, if you are concerned about reporting the matter internally within the College then please contact Protect (protect-advice.org.uk) contact details in section 12.

6. CONFIDENTIALITY

Anonymous Complaints

The College hopes that staff will be comfortable with identifying themselves when making a disclosure. If an anonymous disclosure is made, the College will not be able to notify the Whistleblower of the outcome and it may also hinder the ability of the College to carry out an effective investigation.

Anonymous complaints will be considered but if there is insufficient evidence to warrant Investigation, or the allegation is not credible then no further action will be taken.

Confidentiality

If staff members wish to keep their identity confidential the College will endeavour to respect this request and will notify the member of staff if this will not be possible (for example because disclosure would be required by law or to assist the police or a regulator with an investigation, or occasionally where the nature of the disclosure would in itself identify the Whistleblower). In addition, it may be necessary to disclose the Whistleblower's identity to:

- The Decision Maker who will determine whether to investigate the disclosure (see section 7).
- An investigating officer appointed by the College, subject to the investigating officer being bound by the same rules of confidentiality.

7. PROCEDURE FOR INVESTIGATION OF A DISCLOSURE

- 7.1 Where possible, the disclosure should be made in writing with any supporting evidence. The College will acknowledge receipt in writing, normally within 5 working days.
- 7.2 The College will then determine whether or not further investigation is required. In making this decision regard will be given to the following:
- Whether the disclosure concerns Malpractice as defined in section 4.
 - Whether the procedure in this policy has been followed.
 - Whether the staff member is acting in the public interest and not for personal gain or personal motives.
 - Whether there is any supporting information to corroborate the suspected malpractice.

It may be necessary for the Whistleblower to be interviewed in order to secure information to decide whether a disclosure should be investigated. In this situation the Whistleblower may be accompanied by a local trade union representative or work colleague at the interview.

- 7.3 The decision on whether to investigate a disclosure shall be made by:
- The Company Secretary save where the complaint concerns the Company Secretary or Principal.
 - The Principal where the disclosure concerns the Company Secretary.
 - The Designated Corporation Member where the disclosure concerns the Principal.
- 7.4 If the College decides that there are no grounds to answer, the Whistleblower will be informed as soon as practicable. If an investigation is warranted, the Decision Maker will determine the nature of any investigation and who should undertake that investigation. This person should have no personal interest in the case and there should be no expectation of bias from the outcome. The Decision Maker shall only disclose details of the subject matter of the investigation to other officers of the College to the extent that it is necessary for:
- (i) The purpose of the investigation.
 - (ii) For the effective management of the College.

Any investigation will be carried out in a reasonable time period having regard to the complexity of the issues and the volume of evidence to be considered.

- 7.5 When the investigation has taken place, the Decision Maker will decide what, if any, further action is required. This may include reporting to bodies outside of the College. The Whistleblower will be kept informed of the outcome of the investigation and any action taken by the College as a consequence.

8. INDIVIDUALS NAMED IN A DISCLOSURE

When an allegation is made against a named individual, they will be informed of the allegation and the supporting evidence at an appropriate time. The point at which this occurs will depend on the specific nature of the disclosure. Should they be interviewed about the matter, they may be accompanied by a local trade union representative or work colleague.

9. SAFEGUARDS FOR WHISTLEBLOWERS

- The College will not take any disciplinary action against a Whistleblower providing they do not make false allegations maliciously or with a view to personal gain.
- The College will take all reasonable steps to ensure that a Whistleblower is not subject to any detrimental treatment (including informal pressure, or any form of victimisation) for making a disclosure in accordance with this policy.
- The College will take disciplinary action against members of staff who seek to bully, intimidate or victimise a Whistleblower because they have made a Disclosure under this policy.

10. DISCLOSURE TO EXTERNAL BODIES

- 10.1 This policy has been implemented to allow staff to make a disclosure within the College. A staff member may have the right to make a disclosure outside of the College in certain circumstances. However, the College strongly encourages staff members to seek advice before reporting a concern to any third party. The independent whistleblowing charity Public Concern at Work, operates a confidential hotline and contact details are available at the end of this policy. In particular, all staff are reminded that any disclosure of information about the College to a third party must not breach the duties of confidentiality owed by staff to the College.

11. RECORDING AND REPORTING

- The College will keep a record of all disclosures made under this policy and will report these annually to the Audit Committee.
- The records of complaints and their investigation will be kept by the Company Secretary for five years.
- The procedure will be subject to review by the Corporation tri-annually.

12. TO REPORT A MATTER

- 12.1 To report a matter under this policy, staff can contact any of the Designated Persons referred to in section 5 of this Policy, or use the following email address: Whistleblower@bmet.ac.uk
- 12.2 The designated governor can be contacted by email to Whistleblower@bmet.ac.uk marked for the attention of Helen Miles.
- 12.3 To report a matter to Protect telephone the advice line on 020 7404 6609 and 020 3117 2550 or Email: whistle@protect-advice.org.uk

FURTHER ADVICE

If you are concerned about reporting the matter internally to a Designated Person or if you require confidential advice on whistleblowing issues, please contact following:

Public Concern at Work

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Website: www.protect-advice.org.uk

Whistleblowing Advice Line: 020 3117 2520