

**PUBLIC INTEREST DISCLOSURE POLICY**

**“WHISTLEBLOWING”**

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**BURY COLLEGE FURTHER EDUCATION CORPORATION**  
**PUBLIC INTEREST DISCLOSURE POLICY**  
**(“Whistleblowing”)**

**1. Introduction**

1.1 This Policy is founded on the principle that the College, its employees and Corporation Members should carry out their business and personal conduct in an ethical manner and in line with the values and objectives of the College.

1.2 From time to time, a situation may arise where a member of staff has serious concerns about perceived irregularities in the running of the College or the activities of staff within the College. The concern may be that they are unlawful, or against College policies and/or established standards of practice. Such concerns might relate to, for example, financial malpractice, breach of trust, or departures from statutory or other requirements for good governance.

In their second report, the Committee on Standards in Public Life (the ‘Nolan Committee’) recommended that local public spending bodies should have appropriate channels through which staff can express such concerns (referred to as “Whistleblowing”) and that the position in the institution of the individual expressing such concerns should not be jeopardised, provided that they are made lawfully, without malice and in the public interest.

1.3 The Corporation of Bury College is committed to a policy which minimises the risk of fraud and corruption in the organisation. It encourages the reporting of any information which might lead to the discovery of a fraudulent or corrupt practice but at the same time it wishes to reassure staff that they will be protected if, as part of the policy, they raise a concern in good faith. This policy aims to encourage and enable staff to raise serious concerns through avenues within the institution through approved channels rather than overlooking a problem or raising the issue outside the institution through unapproved channels. The Whistleblowing Policy reinforces existing procedures and clarifies and secures the position of employees.

1.4 This Policy is for use by Staff employed by Bury College. The Policy has been considered by Trade Union representatives, approved by the Corporation Board and made available on the Intranet and from the Personnel Section.

## 2. **Existing Controls within Bury College**

The Principal has overall responsibility with the Corporation Board for ensuring the Policies, Procedures and ways of operating within College are free from fraud and corruption.

### 2.1 **The Audit Committee and Internal Audit**

The College Audit Committee is a Committee of the Corporation which has the responsibility for ensuring that adequate controls exist to regulate the College's business. It meets at least once each term under specified terms of reference.

The Corporation appoints Internal Auditors who review College systems in accordance with a planned annual programme. Their reports help to provide assurance that sound arrangements exist for the management of College financial systems. The Internal Auditors submit regular reports to the Audit Committee and report any difficulties encountered. The minutes of the Audit Committee are subsequently reported to the Corporation.

### 2.2 **External Audit**

The main duty of the External Auditor is to provide an opinion on the College accounts. They also review the level and effectiveness of internal control within the College and review the work and effectiveness of Internal Audit.

The College has a duty to report all suspected fraud to its Internal and External Auditors.

### 2.3 **Financial Regulations and Procedures**

The financial systems of the College operate under published formal regulations supported by Financial Regulations. It is a requirement that all senior staff are familiar with this document and adhere to the regulations. A copy of these regulations is available (on request) to all staff.

Budget holders are supplied with copies of the financial regulations which make reference to the Public Interest Disclosure Policy.

Any requests for information regarding the financial regulations should be directed to the Director of Financial Services who is

responsible for their publication and updating.

#### 2.4 **Register of Interests**

The Corporation Board has adopted a Register of Interests of Corporation Members and this is Maintained by the Clerk to the Corporation. It is the responsibility of Corporation Members to declare any business or commercial interests, which may conflict with their responsibilities and duties as a Member of the College Corporation Board.

Members of the staff of the College will be expected to maintain a high degree of integrity in their decision making and day to day actions. Whilst there is not a requirement for staff to make public declaration of business and commercial interests, it is expected that no staff member will allow such interests to affect their judgement and actions in carrying out the main business of the College. The contract of employment of a member of staff may require them to declare interests which conflict with their role responsibilities.

#### 2.5 **Existing procedures**

Procedures exist to enable staff to work in an environment free from harassment and to raise grievances if they are not being treated correctly. The Whistleblowing policy has a wider application and is intended to cover any form of malpractice, including fraud, theft and corruption. Whistleblowing is not a substitute for the College's Grievance Procedure and is not a channel for staff to raise grievances in relation to their conditions of service and personal circumstances. Staff are encouraged to raise with the Principal any weaknesses in College systems which could lead to abuse.

#### 2.6 **Acceptance of Gifts and Hospitality**

It is important to distinguish between fraud and corruption. Both are serious matters but fraud tends to be characterised by complicity. Corruption is often more difficult to prove. Accepting money or hospitality is the most obvious form of corruption in public life.

Under no circumstances should a gift or concession of any sort be accepted where this could be construed as a reward for special or unwarranted favours. In the event of any doubt, the Principal should be consulted regarding the acceptance of any gifts.

### 3. **Safeguards**

- 3.1 The College recognises that a decision to “blow the whistle” can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of the malpractice that is the source of the concern or from the organisation as a whole. The College will not tolerate any victimisation and will take every appropriate action to protect any person who raises a concern in good faith including any necessary disciplinary action. If a member of staff has a concern they can seek information and guidance with anonymity from personnel section.
- 3.2 The College will strive to protect the identity of any member of staff who raises a concern anonymously and who does not want his/her name disclosed. However, this may not always be possible, as any investigation process may reveal the source of information and a statement by the whistleblower may be a necessary part of the evidence.
- 3.3 The College will protect individuals from false, malicious or vexatious expressions of concern. Disciplinary action may be taken against any member of staff who is discovered to have made allegations maliciously. In addition, the College will try and ensure that the negative impact of either a false or unfounded allegation on any “accused” person is minimised where possible. Such allegations will not be kept on the personal file of the “accused” person.
- 3.4 Concerns expressed anonymously will be considered at the discretion of the College, considering the seriousness and the credibility of the concern.

### 4. **Procedure for Reporting Concerns**

- 4.1 An individual wishing to raise a concern may, in the first instance, contact Personnel Section to obtain a copy of the Whistleblowing procedure and have explained to them the process. However, it should be noted that if an individual detects a possible instance of fraud or corruption they have a responsibility to report the matter.

- 4.2 Concerns should normally be raised with the line manager of the member of staff, however, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. Staff may therefore contact any of the following, who will be trained to deal with the procedure for handling concerns:
- a. their Line Manager
  - b. a member of the Senior Management Team
  - c. the Principal
  - d. the Clerk to the Corporation
- 4.3 If a member of staff believes that the Senior Management of the College are involved in the issues that are a matter of concern, contact should be made with the Clerk to the Corporation.
- 4.4 Staff may contact their trade union or professional association to raise an issue on their behalf.
- 4.5 Whilst staff will not be expected to prove the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are reasonable grounds for concern.
- 4.6 Issues may be raised in person or in writing but the full extent of the allegations should be made clear.

5. **Procedure for dealing with issues raised**

- 5.1 It is important that all matters are handled in confidence and not discussed outside those directly involved as far as possible.
- 5.2 Concerns or allegations raised which fall within the scope of specific established procedures may be referred for consideration under those procedures. Concerns should not be brought under this procedure where the college already has guidelines/procedures in place to deal with the issue e.g. purchase of I.T. equipment.
- 5.3 A referral of a concern will be acknowledged by the person having

received the concern, within five working days and an indication given of how the College proposes to deal with the issue within 10 working days of the initial concern.

- 5.4 As detailed a written record as possible of all salient points and dates should be kept by the person to whom the allegations were made.
- 5.5 Some concerns may be capable of resolution by agreed action without the need for investigation.
- 5.6 However, usually the matters raised will be investigated by management, by internal audit or through disciplinary procedures. Alternatively they may be subject to independent enquiry. Relevant matters may also be subject to investigation by police.
- 5.7 Therefore, any person identified under 4.2 above who receives a concern should contact the Principal so that an appropriate course of action can be agreed. If appropriate, initial enquiries would be made to assist in determining the most appropriate process for the consideration of the concern. Alternatively, a senior manager may be requested to undertake further work to establish the facts or the College's Internal Auditors may be asked to assist.
- 5.8 Where the Principal identifies that a fraud has been discovered, the Chair of the Corporation, the Chair of audit and the College's Internal Auditors should be informed immediately.
- 5.9 Due note must be taken of College Disciplinary Procedures particularly where the matter might involve the suspension of a member of staff. The relevant sections of the disciplinary procedure would be used to determine whether a member of staff suspected of fraud or corruption would be suspended on full pay by the Principal. The suspended person would be required to hand over items such as key, documents and College property. The suspended individual will be denied access to College premises.
- 5.10 In the early stages of the investigation, it is not an automatic requirement that the police are informed. The particular circumstances of the case will determine whether and at which stage the police are notified. The Principal will be responsible for notifying the Police. It may be necessary for the Principal to discuss the evidence with the Police informally initially. Where documents are handed over to the Police, the Principal should ensure that the police sign for them. Circumstances will determine whether it is necessary to wait for the results of police enquiries before internal procedures are followed.

With regard to allegations where the Police are involved, the College will be guided by the Police as to when the person can be informed.

- 5.11 The College will take appropriate steps to minimise any difficulties that a member of staff may experience as a result of using this procedure.
- 5.12 The person raising the concern will be given as much information as possible on the outcome of the investigation, subject to the constraints of the College's duty of confidentiality or any other legal constraint.
- 5.13 The person against whom the concern is raised will be informed of the allegations as early as possible in the process. They will have the right to be represented by a trade union representative or work colleague.

Although it is difficult to be prescriptive about time scales it is in the best interests of all parties for any investigations to be undertaken as speedily as possible.

## 6. **Taking matters further**

- 6.1 It is the intention of the policy that issues are raised within the College. However, if a member of staff is dissatisfied with the response provided by the College he/she could raise the issue with the Bodies identified in Appendix A as stated in the Public Interest Disclosure (Prescribed Persons) Order 1999.
- 6.2 Members of staff should not disclose confidential, false or misleading information to an unapproved external organisation. In considering taking a concern outside the College, staff should be aware of their duty of confidentiality and ensure that no confidential information is divulged.

**EXTRACT FROM PUBLIC INTEREST DISCLOSURE (PRESCRIBED PERSONS)  
ORDER 1999**

**SCHEDULE**

**FIRST COLUMN**

*Persons and descriptions of persons*

Accounts commission for Scotland and auditors appointed by the Commission to audit the accounts of local government and health service bodies.

Audit Commission for England and Wales and auditors appointed by the commission to audit the accounts of local government, and health service, bodies.

Building Societies Commission

Certification Officer

Charity Commissioners for England and Wales

Lord Advocate, Scotland

Chief Executive of the Criminal Cases Review Commission

Chief Executive of the Scottish Criminal Cases Review Commission

Chief Executive of the Scottish Criminal Cases Review Commission

Chief Registrar of Friendly Societies

Civil Aviation Authority

**SECOND COLUMN**

*Descriptions of matters*

The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies.

The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies.

The operation of building societies

Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.

The proper administration of charities and of funds given or held for charitable purposes.

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Actual or potential miscarriages of justice.

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Actual or potential miscarriages of justice.

The operation of credit unions, clubs, housing associations, co-operatives and other industrial and provident societies, benevolent societies, working men's clubs and specially authorised societies.

Compliance with the requirement of civil aviation

	legislation, including aviation safety.
The competent authority under Part IV of the Financial Services Act 1986.	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public.
Commissioners of Customs and Excise	Value added tax, insurance premium tax, excise duties and landfill tax.
Commissioners of Inland Revenue	Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay and statutory sick pay.
Controller and Auditor General of the National Audit Office	The proper conduct of public business, value for money, fraud and corruption in relation to provision of centrally-funded public services.
Auditor General for Wales	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Data Protection Registrar	Compliance with the requirements of legislation relating to data protection.
Director General of Electricity Supply	The generation, transmission, distribution and supply of electricity, and activities ancillary to these matters.
Director General of Fair Trading	Matters concerning the sale of goods or supply of services which adversely affect the interests of consumers. Matters relating to consumer credit and hire, estate agency, unfair terms in consumer contracts and misleading advertising.  The abuse of a dominant position in a market and the prevention, restriction or distortion of competition.
Director General of Gas Supply	The transportation, shipping and supply of gas through pipes, and activities ancillary to these matters.
Director General of Telecommunications	The provision and use of telecommunication systems, services and apparatus.
Director General of Water Services	The supply of water and the provisions of sewerage

	services.
Director of the Serious Fraud Office	Serious or complex fraud.
Environment Agency	Acts or omissions which have actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the follow of rivers, inland fisheries and migratory salmon or trout.
Scottish Environment Protection Agency	Acts or omissions which have actual or potential effect on the environment or the management or regulation of the environment, including those relating to flood warning systems and pollution.
Financial Services Authority	The carrying n of investment business or of insurance business; the operation of banks, deposit-taking businesses and wholesale money market regimes; the functioning of financial markets, investment exchanges and clearing houses; the functioning of other financial regulators; money laundering, financial crime and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.
Friendly Societies Commission	The operation of friendly societies and industrial assurance companies.
Health and Safety Executive	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Local authorities which are responsible for the enforcement of health and safety legislation	Matters which may affect the health or safety of any individual at work; which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work.
Investment Management Regulatory Organisation	The activities of persons regulated by the Investment Management Regulatory Organisation.
Occupational Pensions Regulatory Authority	Matters relating to occupational pensions schemes and other private pensions arrangements.

Personal Investment Authority

The activities of persons regulated by the Personal Investment Authority.

Rail Regulator

The provision and supply of railway services.

Securities and Futures Authority

The activities of persons regulated by the Securities and Futures Market.

Treasury

The carrying on of insurance business.

Secretary of State for Trade and Industry

Fraud, and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); Insider dealing.

Consumer safety.

Local authorities which are responsible for the enforcement of consumer protection legislation.

Compliance with the requirements of consumer protection legislation.

A person ("person A") carrying out functions by virtue of legislation, relating to relevant failures falling within one or more matters within a description of matters in respect of which another person ("person B") is prescribed by this Order, where person B was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.

Matters falling within the description of matters in respect of which person B is prescribed by this Order, to the extent that those matters relate to functions currently carried out by person A.