

Whistleblowing Policy

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Audience	OBC Stakeholders and Website users

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1 Introduction

The College is committed to honesty, integrity, fairness, openness and accountability and expects all staff and students to maintain high standards in accordance with our policies and procedures. However, all organisations face the risk of things going wrong unknowingly or knowingly, harbouring illegal or unethical conduct. Therefore, a culture of openness, fairness and accountability is essential in order to prevent such incidents. Such incidents should be reported without any fear or threat. Therefore, the Public Interest Disclosure Act (PIDA) 1998 provides protection against being dismissed or penalised by employers as a result of disclosing information which is in the public interest where malpractice, wrongdoings or danger have been identified.

2 Purpose

The purpose of this policy is to ensure that business at the College is conducted honestly, fairly, ethically, professionally, legally and staff and students are encouraged to report suspected wrongdoing as soon as possible without fear of reprisals.

3 Aims and Objectives

The policy aims to provide information and guidance to everyone working for OBC on how to raise concerns. The main objectives of the policy are:

- To improve the knowledge and understanding of all stakeholders, irrespective of their position, about the risk and implications of fraud, bribery, corruption and wrongdoing within the College.
- To encourage all stakeholders, whether student, staff, or anyone contractually connected to the College, to report their concerns about a suspected wrongdoing as soon as possible.
- To reassure staff and students that they can raise genuine concerns without fear of reprisal even if they turn out to be mistaken.
- To set out robust review and monitoring procedures to ensure compliance with this policy.

4 Scope

This policy applies to all stakeholders of OBC, staff, and external members such as marketing agents, consultants, contractors, suppliers, members of Boards & Committees and all students.

5 What is Whistleblowing?

The term 'whistleblowing' has no legal definition within UK law or European Law; however, the term has been used to explain incidents where an employee reports some alleged wrongdoing within an organisation. The term "Whistle-blower" is used to describe an individual who raises a concern.

The Public Interest Disclosure Act 1998 aims to promote greater fairness, openness and honesty in the workplace. Thus, the Employment Rights Act 1996 was amended to protect 'whistle-blowers' from harmful treatment, i.e., victimisation or dismissal, for raising concerns about matters they reasonably believe to be in the public interest.

6 OBC Approach

6.1 Senior Management Team Commitment

The Senior Management Team (SMT) is committed to promoting a culture in which individuals feel confident to raise their concerns.

6.2 Suspicion

The College considers fraud, bribery and corruption unethical and illegal activities. If the College suspects that any individual has committed an act of fraud, bribery or attempted bribery, and corruption, an investigation will be carried out in line with our disciplinary policy. The College expects that suspicion of fraud, bribery, corruption or wrongdoing must be reported. The following provides a list of qualifying disclosures (not exhaustive) that could be reported:

6.3 Qualifying Disclosures

- Criminal offences such as fraud, bribery, embezzlement and corruption
- Failing to comply with a legal obligation.
- A miscarriage of justice.

- Environmental damage; or
- Concealing any information relating to the above.
- General malpractice e.g., immoral or unethical
- Breaches of law or regulation e.g., health and safety obligations of the College
- Accepting or seeking value from third parties by virtue of official position or duties.
- General malpractice e.g., immoral or unethical
- Academic and non-academic malpractice
- Disclosure of official activities or information for advantage.
- Forgery or alteration of documents or accounts.
- Impropriety in the handling or reporting of money or financial transactions.
- Misappropriation of funds, supplies or other assets.
- Profiting from an official position for personal gain.
- Receiving fraudulent (rather than erroneous) invoices from a supplier.
- Reported allegations of corruption or deception by a third party.
- Theft or misuse of property, facilities or services.

6.4 Raising a Whistleblowing Concern

The College will investigate all matters that students to raise any of the concerns listed above with either their Tutor, Module Leader or Programme Coordinator in the first instance. Academic staff should contact their Programme Coordinator or Head of Programme in the first instance.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The College will take any concerns that are raised regarding the above matters very seriously.

The Employment Rights Act 1996 provides protection for workers who ‘blow the whistle’ where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be “in the public interest”. Staff, students and all other stakeholders are encouraged to use the procedure to raise any such concerns.

The college has various methods to ensure the protection and safety of any whistle-blowers which can be viewed below:

- Confidentiality: The college will ensure that the whistle-blower’s identity is kept confidential, to the extent possible, throughout the investigation process.
- Protection against retaliation: The college will guarantee that whistle-blowers will not face any retaliation, including harassment, discrimination, or disciplinary action, as a result of reporting wrongdoing.
- Fair treatment: Whistle-blowers will be treated fairly and with respect throughout the process,

including being informed of the status of their report and any actions taken as a result of their report.

- Support and assistance: The College will provide support and assistance to whistle-blowers, including counselling, advice, and protection from harassment or intimidation.
- Anonymity: The college has a mechanism for anonymous reporting, in the form of an online reporting system, to allow individuals to report wrongdoing without fear of retaliation or exposure.

7 Implications of Whistleblowing

Unless their disclosure is found to be false and malicious, the College will not dismiss a whistle blower, or pressure them into quitting. Whistle blowers who do not resign will not be bullied, demoted, isolated or harassed.

Whistle blowing can in some instances involve organisations outside of the College such as media organisations and this can have a detrimental impact on the reputation of the College. Whistle blowers should not be deterred from whistleblowing but should consider the implications that informing outside organisations may have for the College:

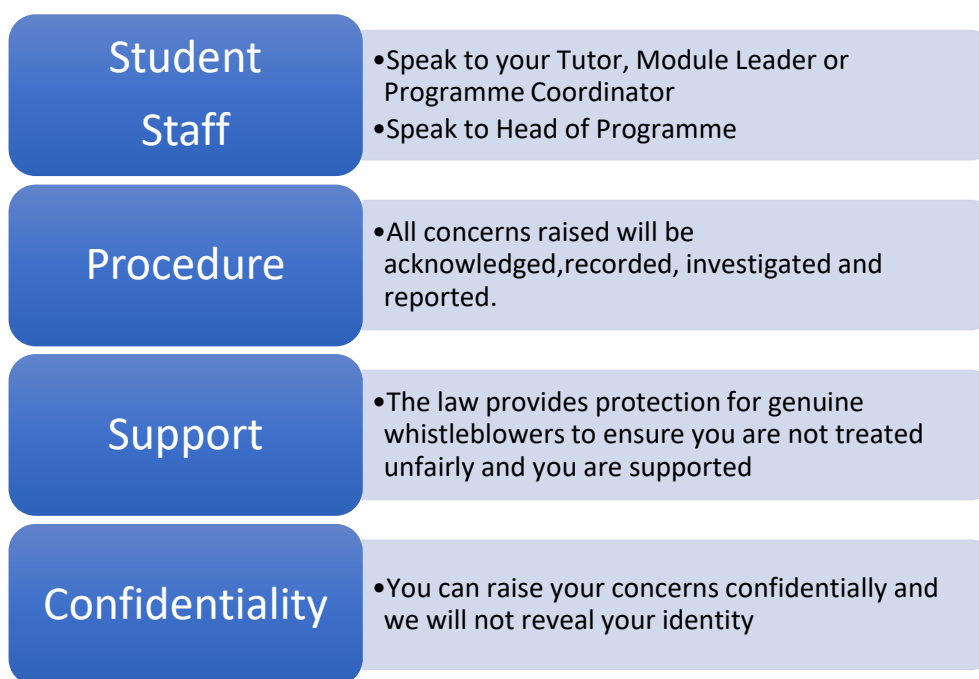
- Reputational damage
- Impact on student learning and achievement
- Impact on staff job security

8 The Reporting Procedure

In the first instance you should report any concerns you may have to a Senior Manager who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate official organisation or regulatory body.

If you do not report your concerns to a Senior Manager, you should take them directly to the appropriate organisation or body.

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.



9 Investigation Procedure

No disciplinary action will be taken against a member of staff until the college has investigated the circumstance of the matter from the whistle-blower, having regard to the member of staff's response to allegations. Where there is a suspected breach of procedures or act of misconduct an investigation will be carried out by a member of Human Resources (HR) and a designated manager who will be known as the nominated "investigation officers". The Interview will be between at the line manager and employee in a fair and consistent manner. The purpose of the investigation is to establish the facts promptly where possible and before memories fade, considering statements from any relevant witnesses. The college will inform the member of staff as soon as possible that an investigation is to be conducted and once the investigation has been concluded.

10 Malicious Disclosure

If the investigator during the investigation finds or concludes that a disclosure has been made maliciously, where the intention of the whistle-blower was personal gain or to damage the reputation of the alleged person, the College reserves the right to take appropriate action, which may include

disciplinary action against the whistle-blower.

11 Responsibility, Monitoring and Review

The procedures outlined in this policy, and in any related policy may be reviewed or changed at any time before the actual review date. Once the investigation has been completed the college will notify the whistle-blower of the outcome regardless of any decision.

12 External Disclosures

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. Staff and students are strongly encouraged to seek advice before reporting a concern to external person or body. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Their contact details are provided below.

Public Concern at Work

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

The Whistleblowing Commission (Charity)

<https://www.tuc.org.uk>