

# Linacre College

## Whistle-blowing Policy

### Key Points

The Whistleblowing Procedure sets out the framework for dealing with allegations by an employee, of illegal and improper conduct by the College.

It is in the public interest to ensure that anyone making serious allegations about wrongdoing is protected from being victimised, discriminated against or disadvantaged.

This procedure is intended to ensure that Linacre College complies with its duty under the Public Interest Disclosure Act 1998.

### Scope

This procedure applies to all employees, including those who are also student members, Trustees and contractors.

This procedure does not replace other Linacre College policies or procedures. For example, if an employee has a grievance about their working conditions, they should use the Linacre College Grievance Policy or, if they feel that their manager or a colleague is treating them unfavourably, they should use the Linacre College Harassment and Bullying Policy.

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, students, customers or service users
- Abuse of authority
- Other unethical conduct

### Reporting

Linacre College recognises that the decision to make an allegation can be difficult. However, whistle-blowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear, even if the allegation is not substantiated by an investigation. The Public Interest Disclosure Act 1998 prevents them from being discriminated against or having their contract terminated for whistleblowing. We take our obligation to protect whistle-blowers very seriously. Bullying, harassment or any other detrimental treatment towards someone who has made a qualifying disclosure is unacceptable and will result in disciplinary action.

In this whistle blowing policy, the term “public interest” separates out private employment rights (i.e. contractual rights) from issues which have a public concern. Public interest refers to any witnessed wrongdoing which has a broad impact on the welfare of the public. This includes matters which bring publicly into question the integrity of an organisation.

Disciplinary action may be taken against a someone who makes an allegation frivolously, maliciously or for personal gain where there is no element of public interest.

### **Confidentiality**

All allegations will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise requests.

If the allegation results in court proceedings, then the whistle-blower may be required to give evidence in open court.

The College will not, without the whistle-blower's consent, disclose their identity to anyone other than a person involved in the investigation/allegation.

### **Anonymous Allegations**

This procedure encourages whistle-blowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Principal and Bursar acting together, unless this causes a conflict of interests when a trustee will substitute.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

### **Procedure for Making an Allegation**

It is preferable for allegations to be made to an employee's immediate manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistle-blower believes that their line manager is involved it would be inappropriate to raise it directly with them. The whistle-blower may then make an allegation direct to any of the following:

- The Principal
- The Bursar
- Any Trustee of the College

If any of the above receive an allegation they will consider the allegation and may discuss with either the Principal, Bursar or other Trustees unless there is a clear reason not to do so. The line manager (or the above), after consideration, will discuss with the whistle-blower and if they wish to proceed with the allegation will be investigated.

If an individual genuinely believes that it is unsafe to raise a concern within College then they can do so by contacting the Charity regulator [at whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk)

### **Allegation**

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.

- The background to the allegation. It would be helpful to give relevant dates and names and positions of those who may have been involved;
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to establish that there are reasonable grounds for the allegation.

Someone making an allegation has a right to be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

### **Action on receipt of an Allegation**

The line manager will record details of the allegation, gathering as much information as possible, (within 5 working days of receiving it) including any documents supplied by the whistle-blower.

The investigator will ask the whistle-blower for their preferred means of communication and contact details and use these for all communications with the whistle-blower in order to preserve confidentiality.

If the allegation relates to fraud, or other financial irregularity the Bursar will be informed immediately. The Bursar will determine whether the allegation should be investigated and the method of investigation. If the Bursar is conflicted then the Principal shall substitute.

If an allegation is made of a criminal offence the Principal (or their substitute) will decide if this is sufficiently serious that it should be reported to the Board of Trustees and the Police. If the allegation concerns suspected harm to children or vulnerable adults an appropriate response may involve informing the Police and/or local child protection services.

### **Timetable**

An acknowledgement of the allegation must be sent, in writing, to the whistle-blower within 10 working days including:

- An indication of how the College propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistle-blower support mechanisms
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made anonymously, the College will be unable to communicate what action has been taken.

### **Support**

The College will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings the College will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

The College accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

## **Responsibility for the Procedure**

The Governance Audit and Risk Assurance Committee has overall responsibility for the operation of this procedure and for determining the administrative processes to be followed and the format of the records to be kept.

## **Monitoring**

A Register will record the following details:

- The name and status (e.g., employee) of the whistle-blower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board of Trustees and its maintenance is the responsibility of the Principal, unless they are the subject of an allegation when the Bursar will record the required information in a supplementary register and report to the Board of Trustees in the absence of the Principal.

The Principal will report annually to the Board of Trustees on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistle-blowers.

Approved by Governing Body: