



Exeter College

Whistleblowing policy

1. Introduction

Exeter College aims to conduct its business at all times with the highest standards of integrity and honesty. We expect all those working at the College to maintain the same standards in everything they do. All those who work for us are therefore strongly encouraged to report any perceived wrongdoing by the business or its employees, workers, contractors or agents that falls short of these principles.

This policy is not contractual but sets out the way in which we plan to manage such issues.

2. Scope of this policy

This policy covers all employees and workers, including those on fixed-term contracts, together with any casual workers or agency workers. It aims to protect those who make a 'protected disclosure' either during their employment (or duration of the contract/agreement in the case of workers) and also after this has ended, and also enables them to take action in respect of any victimisation.

For a disclosure to be protected it must reasonably appear to the employee or worker that it is in the "public interest". The previous requirement that it should be brought in "good faith" no longer applies; however a disclosure that is not made in good faith may result in a reduction of up to 25% in any compensation subsequently awarded by a tribunal.

Note that the scope of this policy does not cover any potential breaches of an employee's employment contract: these should be raised under our grievance procedure. Nor is this policy intended to be used to question financial or business decisions taken by us, nor as a means of reconsidering any matters that have already been addressed under our bullying and harassment, grievance, disciplinary or other procedures. Such concerns should be raised through normal line management channels.

3. Aims of this policy

This policy aims to assist us in the early detection of any inappropriate behaviour or practices within the College and to provide a clear procedure for our employees and workers to report to us any wrongdoing at work which they believe has occurred or is likely to occur. We recognise that individuals may not always feel comfortable about discussing their concerns internally, especially if they believe that the organisation itself is responsible for the wrongdoing. The aim of this policy is to ensure that they feel confident and able to raise any reasonable concern about our business activities in the knowledge that it will be taken seriously, and that no action will be taken against them.

The College considers that it is reasonable to expect employees to use this 'whistle-blowing' procedure rather than air their concerns outside the College.

4. Legal considerations

The following pieces of legislation apply to this policy:

- the Protection from Harassment Act 1997
- the Public Interest Disclosure Act (PIDA) 1998

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- the Bribery Act 2010
- the Enterprise and Regulatory Reform Act 2013.

5. Responsibility for this procedure

The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the Governing Body.

Managers and supervisors have a crucial role to play in encouraging employees and workers under their supervision to report any concerns they may have.

Any employee or worker who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within the College is required to report this to his/her manager, or to use the procedure set out below.

All employees and workers, irrespective of their job or seniority, are required not to subject any other employee or worker to any detrimental treatment nor harass or bully such an individual on the basis that he/she has raised a concern under this policy. They are also required not to encourage others to do so, nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, an employee or worker who has victimised a colleague may be personally liable for any such victimisation.

6. Procedure

All of our employees and workers are encouraged to use the procedure set out below if they have a concern about any of the following:

- wrongdoing at work, including any criminal offence;
- a failure to comply with legal obligations or breach of any statutory Code of Practice (however, note that any complaint relating to an alleged breach of an employee's individual contract should be raised under our grievance procedure);
- a miscarriage of justice;
- a health and safety danger;
- an environmental risk; or
- a concealment of any of these.

This list is not exhaustive but indicates the types of concerns that should be raised:

- misuse of assets (including stores, equipment, vehicles, buildings, computer hardware and software);
- failure to comply with appropriate professional standards;
- bribery, corruption or fraud including the receiving or giving of gifts or hospitality in breach of our procedures;
- falsifying records;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the organisation, or would otherwise seriously prejudice the College;
- abuse of authority;
- using the power and authority of Exeter College for any unauthorised or ulterior purpose;
- causing damage to the environment.

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The employee or worker does not have to be able to prove the allegations, but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

Employees or workers must also strongly believe that the disclosure is in the public interest.

6.1 Informal

If appropriate, he/she should informally discuss the matter with his/her Head of Department or line manager in the first instance. However, should he/she prefer (perhaps because his/her immediate manager is unavailable or indeed might be the cause of the concern), then another Head of Department or College Officer may be approached.

6.2 Further Investigation

If the matter requires further investigation, this will be carried out and the employee or worker will be informed of the outcome of the investigation and what action, if any, has been taken. Where such investigation involves outside agencies (e.g. police) this may cause some delay in the investigation.

If the employee or worker remains unhappy about the speed or conduct of the investigation, or the way in which the matter has been resolved, he/she should refer the matter to the Bursar or the Rector.

Following further investigation of the complaint, the employee or worker will be informed of the result and what, if any, action has been taken.

6.3 Confidentiality

Where requested, we will respect (so far as we can legally) the confidentiality of any whistleblowing complaint received, but cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower. It must be appreciated that it will be easier to follow up and to verify complaints if the employee or worker is prepared to give his/her name, and unsupported anonymous complaints and allegations are much less powerful and therefore will be treated with caution.

6.4 Reporting to external bodies

The College recognises there may be matters that cannot be dealt with internally and external authorities, such as the police, the Health and Safety Executive or external auditors, will need to become involved. Where this is necessary, we reserve the right to make such a referral without the worker's consent.

Employees or workers may also make a disclosure to certain external regulators prescribed by the Secretary of State (for more information see www.direct.gov.uk), or – if they consider that it has an interest in the matter and/ or if they believe that disclosure within the organisation is inappropriate or has been unsuccessful - to Public Concern at Work (www.pcaw.org.uk), which is the leading authority on matters of public interest whistleblowing

7. Protection from suffering detriment

The College undertakes that no employee or worker who makes a bona fide report under this procedure will be subjected to any detriment as a result, and the College will not condone any form of victimisation, bullying or other detrimental treatment (e.g. by co-workers) of a member of staff who has raised a concern under the remit of this policy. If any employee or worker feels that he/she is being subjected to detriment treatment, bullying or harassment by any person within the business

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(including his/her colleagues and co-workers) as a result of his/her decision to invoke this procedure, he/she must inform the Bursar or the Rector immediately and appropriate action will be taken to protect him/her from any reprisals.

Any victimisation, bullying or detrimental treatment will be considered under the College's disciplinary policy, and may result in formal disciplinary sanctions being taken against the perpetrator(s). The perpetrator(s) may also be subject to separate civil proceedings, under UK law.

However, if it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another worker, this will constitute misconduct and will be dealt with through our disciplinary procedure.

8. Ex-employees and workers

Any protected disclosures made by ex-employees or workers after the termination of their employment/contract should also be dealt with under this procedure. In such cases, we would normally ask that the employee/worker sets out the details of his/her concerns in writing and we will then respond in writing having undertaken such investigations as we deem to be appropriate.

9. Monitoring and review of this policy

The Governing Body of the College has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this policy should be addressed to the HR Officer.

10. Related policies

- Anti-bribery policy
- Bullying and Harassment policy
- Data Protection policy
- Disciplinary policy
- Grievance policy