



Learning Development Unit (Quality)



PUBLIC INTEREST DISCLOSURE POLICY (with related procedure)

(formerly the Disclosure of Malpractice Policy)

POLICY NO.	POL/012/000
APPROVED BY	Stafford College Corporation
ORIGINAL AUTHOR/ DATE OF ISSUE	Suzanne Cooper/ 29 April 1999
AUTHOR / DATE OF APPROVAL OF SUBSEQUENT REVIEWS	Suzanne Cooper / August 2002 Pat Eagle / 13 July 2006 Pat Eagle / 12 July 2007



PUBLIC INTEREST DISCLOSURE POLICY:

1. Introduction

- 1.1 Stafford College Corporation is committed to pursuing the highest standards of probity and the elimination of malpractice in the management of its business.
- 1.2 Malpractice as referred to in this policy includes suspected fraud and financial irregularities, serious maladministration arising from improper conduct, unethical activities, criminal offences, miscarriages of justice, acts or omissions which create a serious risk to health, safety or the environment or a failure to comply with legal obligations.
- 1.3 The purpose of this policy is to promote accountability and a climate of openness throughout the College and encourage the responsible disclosure of suspected malpractice.
- 1.4 In order to create a climate of openness, the College commits to good practice guidelines listed in Appendix A (attached). These guidelines are based on recommendations from the Audit Commission and the Nolan Committee to public bodies.
- 1.5 The policy offers employees and students a safe and accessible procedure to raise concerns about suspected malpractice in a confidential fashion, in the knowledge that they will be properly investigated, whilst protecting colleagues against false or malicious accusations.
- 1.6 The policy and related procedure (section 3) reflect the requirements of the Public Interest Disclosure Act 1998, which protects workers who raise legitimate concerns about malpractice within the workplace. The College will take steps to ensure that, wherever possible, employees who raise concerns are not penalised and are protected from reprisals by management or other employees. Any employee who takes such retaliatory action will be subject to disciplinary or other appropriate proceedings.
- 1.7 The policy and procedure has been developed in consultation with the recognised Trade Unions.
- 1.8 The College is keen to encourage employees to raise concerns without fear, and will ensure that any disclosure is treated with the utmost confidentiality. Where possible, investigations will be carried out without reference to the discloser's identity. However, whilst every effort will be made to maintain confidentiality, an investigation will normally involve questioning other members of staff to gather evidence, and in these circumstances the continuing anonymity of the discloser cannot always be guaranteed. Employees making a disclosure should also be aware that it is unlikely that their anonymity will be protected if disciplinary action follows the initial investigation.

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2. Scope of the Policy

- 2.1 The policy and related procedure (section 3) applies to all employees. This term 'employee' extends not only to staff who work under a Stafford College contract of employment, but also to self-employed and agency staff engaged to perform services for the College.
- 2.2 The policy and procedure may be used by students, governors or others, including third parties, directly involved with the College.
- 2.3 The policy and procedure covers malpractice as described in 1.2 above. Other concerns, such as allegations of weak management leading to personal employment difficulties, should be dealt with under the College Grievance Procedure.

3. Disclosure Procedure

- 3.1 Before taking any action under this procedure the 'discloser' may seek advice, for example to determine whether use of the procedure is appropriate, from the Personnel Unit, his/her Trade Union, a Staff Governor or an entirely separate organisation such as Public Concern at Work. The employee should be confident that the concern is of malpractice rather than matters more appropriately handled by line management or by the College Grievance Procedure.
- 3.2 Disclosure must be made initially to the designated Senior Manager of the College, currently the Vice Principal (Curriculum and Quality). In the event of the alleged malpractice involving the designated Senior Manager the disclosure should be made to the Principal.
- 3.3 In the event of the alleged malpractice involving both the designated Senior Manager and the Principal, the disclosure should be made to the Clerk to the Corporation or to the Chair of the Audit Committee (see 3.10 below).
- 3.4 If the designated Senior Manager considers that the concerns raised do not fall within the ambit of this procedure, he or she (after consultation with the Clerk to the Corporation) will explain the reasons to the discloser, and advise on the use of alternative procedures.
- 3.5 In order to encourage employees to raise legitimate concerns in confidence, the employee may raise his or her concerns with the designated Senior Manager either orally or in writing. An employee raising a concern may be accompanied by a colleague if he/she wishes.
- 3.6 Anonymous allegations will not normally be considered under this procedure. However, if the allegations are of a serious nature and there is sufficient supporting evidence to enable the College to undertake an investigation, they may be considered.

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- 3.7 All allegations or concerns raised will be recorded in a log held centrally by the designated Senior Manager who will acknowledge receipt of the allegation or concern to the discloser within 5 working days. As appropriate to the nature of the investigation the designated Senior Manager may keep the discloser informed on the progress of the investigation.
- 3.8 The investigation will be pursued as a priority, although it is not possible to stipulate specific timescales due to the nature of investigations of this type. The designated Senior Manager will keep the discloser generally informed, in writing, on the progress of the investigation.
- 3.9 When the investigation is concluded, the designated Senior Manager will report in writing to the discloser, stating the outcome of the investigation and any action which is proposed to be taken as a result.
- 3.10 If the discloser is not satisfied with the conclusions of the designated Senior Manager or the management action arising from the investigation, the discloser should refer the concern to the Clerk to the Corporation and/or the Chair of the Audit Committee (see 3.10 below)
- 3.11 In the event of the circumstances of 3.3 arising, the Clerk to the Corporation or the Chair of the Audit Committee will inform the Chair of the Corporation who will appoint two members of the governing body to investigate the allegations of malpractice. The matter will be investigated as a priority, and the discloser will be kept informed of the progress of the investigation. At its conclusion, the Clerk to the Corporation will write to the discloser explaining the outcome of the investigation, its conclusions and any recommendations for proposed action.
- 3.12 This procedure ends with the decision of the members of the governing body under paragraph 3.10 above. However, if the discloser feels that the matter is sufficiently serious, he/she may approach an appropriate external body. This should be done ideally with the knowledge of the Chairman of the Corporation who might suggest an appropriate body, among which might include, but is not limited to, the College's internal or external auditors, the LSC or the Health & Safety Executive.

4. Precautions against Abuse of the Disclosure Procedure

- 4.1 Through this procedure, the College encourages and expects employees to raise concerns internally in the first instance. Employees who raise concerns outside the College before following this internal procedure are not protected under the Public Interest Disclosure Act except in very exceptional circumstances. The College therefore reserves the right to take disciplinary action against such employees in appropriate cases.
- 4.2 Accusations of malpractice which prove to be deliberately false or malicious may also be dealt with under the College Disciplinary Procedure.

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5. Familiarisation and Training

- 5.1 This policy and procedure forms part of the induction package for new employees.
- 5.2 Staff Development will include education and training as to the circumstances in which it would be appropriate to use the procedure. Designated managers and members of the Corporation who might hear disclosures will receive training in reacting to and dealing with, concerns raised under the procedure.

6. Equality and Diversity

Stafford College is committed to the implementation of policies and procedures to achieve equality of opportunity for all staff, students and members of the community it serves. In doing so the College will actively work to achieve equality regardless of age, race, skin colour, disability, gender, marital status, sexuality and faith.

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CREATING A CLIMATE OF OPENNESS:

GOOD PRACTICE GUIDELINES

Stafford College commits to creating a climate of openness by:

1. Setting the Context

- involving employees and listening to their concerns
- establishing a common understanding of what is 'right' and 'wrong'
- endorsing Codes of Practice eg, Codes of Conduct for Corporation Members and employees which define the appropriate and acceptable standards of behaviour
- having a Register of Members' Interests which are routinely updated and open to public inspection
- explaining the definition of malpractice and its effect on public services
- having a policy to combat fraud in accordance with good corporate governance
- making it clear that the College is committed to the fight against malpractice whether the perpetrators are internal or external to the college
- ensuring that the College policy and procedure for the disclosure of malpractice is included in the staff handbook and issued to new members of staff at the commencement of employment
- dealing with malpractice seriously and urgently
- ensuring the Board, College management and employees know which practices are unacceptable (eg, gifts, hospitality, etc)
- encouraging the unions to endorse and support this approach.

2. Being open to concerns

- making it easy for employees to report concerns, especially where they may turn out to be malpractice

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- ensuring that management is open to such concerns before they become part of a grievance or other action and not letting management's lack of action become part of the grievance
- ensuring that the College supports concerned employees, protects them from reprisals and does everything possible to ensure confidentiality
- ensuring that internal audit systems and procedures minimise opportunities for malpractice to occur

3. Dealing with concerns

- recognising that there are two sides to every story
- respecting and heeding legitimate concerns about the employee's own safety or career
- emphasising to management and staff that victimising employees or deterring them from raising a concern about malpractice is a serious disciplinary offence
- making it clear that legitimate concerns should be raised if they are in the interests of the College, staff, students or the public and that they should not be raised merely for the purpose of furthering any private dispute
- ensuring that the College reports back to the concerned employee the outcome of the investigation and any action that is proposed.

4. Encouraging a culture of openness

- educating and training employees on the definition of malpractice
- establishing standards of employee conduct
- annually reporting to the Corporation the number of formal complaints received and their outcome.

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