



## College of Medicine and Dentistry

### Whistleblowing policy (confidential reporting)

#### 1. What is Whistleblowing?

In this policy 'whistleblowing' means the reporting by employees or others of suspected misconduct, illegal acts or failure to act within the College.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the College's work to come forward and voice those concerns. Employees are often the first to realise that there may be something seriously wrong.

If you are considering raising a concern you should read this Policy first. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern
- what the College will do.

##### 1.1. Aims of the Policy

The Policy aims to ensure that you can raise your concerns about wrongdoing or malpractice within the College without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns **within** the College rather than ignoring a problem or 'blowing the whistle' outside.

It aims to encourage you to feel confident in raising serious concerns at the earliest opportunity and to provide avenues for you to raise those concerns and receive feedback on any action taken.

##### 1.2. Scope of this Policy

The Whistle Blowing Policy is not the vehicle to raise personal grievances and is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures
- If your concern relates to your own treatment as a student, you should raise it



as a complaint to the College

### 1.3. Who can raise a concern under this Policy?

The Policy applies to all:

- employees of the College or its suppliers
- those providing services to the College under a contract or other agreement
- students of the College
- governors or other stakeholders of the College

### 1.4. What should be reported?

Any serious concerns that you have about the conduct of staff of the College or others acting on behalf of the College such as:

- conduct which may be a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- racial, sexual, disability or other discrimination against other staff or students
- health and safety of the public and/or other employees or students
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- neglect or abuse, or
- other unethical conduct.

This list is not exhaustive.

## 2. Protecting the Whistleblower

### 2.1. Your legal rights

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for the College to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The College cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.



## 2.2. Harassment or Victimisation

The College is committed to good practice and high standards and to being supportive of you as an employee.

The College recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and students.

The College will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence to be dealt with under the disciplinary rules and procedure.

## 2.3. Support to you

Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- the College will do all it can to help you throughout the investigation

If appropriate and feasible, the College will consider temporarily re-deploying you for the period of the investigation.

For those who are not College employees, the College will endeavour to provide appropriate advice and support wherever possible.

## 2.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

## 2.5. Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to investigate or to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the College. In exercising this discretion the factors to



be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

## 2.6. Untrue Allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the College will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

## 3. Raising a Concern

### 3.1. Who should you raise your concern with?

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:

- Your Line Manager
- The Director of Operations

If your concern is about the Dean or a member(s) of the Governance Board you should raise your concern with the Chair of the Governance Board who will decide how the investigation will proceed. This may include external investigation. If your concern is with the Chair, please contact the College Secretary.

If you are unsure who to contact, the independent charity **Protect** can advise you. They offer free and confidential advice at [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

### 3.2. How to raise a concern

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond reasonable doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the College and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you



may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

### 3.3. What the College will do

The College will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the College will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by management or through the disciplinary/grievance process
- be referred to the police
- be referred to the external auditor
- be referred and put through established safeguarding procedures
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how the College proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

The College will do what it can to minimise any difficulties that you may experience



as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the College will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

### 3.4. How the matter can be taken further

This Policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the College, you should contact:

- The College's external auditors
- your trade union
- the police
- other relevant bodies prescribed by legislation (contact Protect – see 4.1 above)

If you raise concerns **outside** the College you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.

You should not disclose information that is confidential to the College or to anyone else other than those included in the list of prescribed contacts.

This Policy **does not** prevent you from taking your own legal advice.

## 4. Corporate Recording and Monitoring

The Director of Operations will keep a record of concerns that are brought to their attention. Anyone allocated to look into a concern must ensure the Director of Operations is provided with sufficient details for the register.

The Director of Operations will produce an annual report for the Governance Board setting out brief details of any concerns raised along with any lessons learned. The report will not include any employee names.

The record and annual reports will be available for inspection by internal and external audit, after removing any confidential details.