



**PUBLIC INTEREST DISCLOSURE (WHISTLE BLOWING)
POLICY**

REFERENCE: PL/GO/2017/002

Policy Owner	Chair of the Board of Management
Lead Officer	College Secretary
Review Officer	College Secretary
Date first approved by BoM	09 June 2008
First Review Date	26 March 2012
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Next Review Date	March 2021
Equality impact assessment	
Further information (where relevant)	

Reviewer	Date	Review Action/Impact
College Secretary	26.03.12	Review approved by BoM
College Secretary	25.11.14	Review approved by BoM
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Policy Statement:

Members of staff may often be the first to be aware of misconduct that may turn out to be fraud, corruption, bribery, professional malpractice or some other form of dishonesty.

Inverness College UHI is committed to providing the means by which a member of staff (including contractors) may raise serious concerns which he/she may have about malpractice or corruption in the workplace. Members of staff have a right and a duty to have matters of concern that are raised lawfully, in good faith, without malice and in the public interest investigated without fear of reprisal and victimisation.

Inverness College UHI will treat all such concerns/disclosures in a confidential and sensitive manner and the identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation.

Members of staff are encouraged to put their name to any concerns/disclosures they make. Concerns expressed anonymously are much less powerful and will be considered at the discretion of Inverness College UHI. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributed sources.

Allegations which are made in good faith, and subsequently not confirmed by an investigation, will incur no action being taken against that member of staff. Abuse of this policy by members of staff making malicious or vexatious allegations will be regarded as a serious matter and as such, may be subject to disciplinary action. This policy does not in any way prevent a member of staff seeking redress at law against anyone making false allegations against him/her.

Inverness College UHI will comply with the requirements of the Public Interest Disclosure Act 1998 and other legislative requirements.

2. Legislative framework/related policies

- 2.1 The Public Interest Disclosure Act 1998.
- 2.2 Bribery Act 2010.
- 2.3 Staff Code of Conduct.
- 2.4 Code of Conduct for members of devolved public bodies.
- 2.5 Grievance Policy and Procedure.
- 2.6 Discipline Policy and Procedure.
- 2.7 Financial Regulations.

3. Scope

- 3.1 This policy covers all members of staff at the College. Members of staff are defined as all paid staff and include contractors, agency staff, consultants and home workers.
- 3.2 Members of staff are responsible for:
 - 3.2.1 Familiarising themselves with this policy and related procedures.
 - 3.2.2 Contacting the College Secretary when assistance is required.
- 3.3 It is the responsibility of Managers to ensure that their staff are made aware of the existence and content of this policy.
- 3.4 This policy is not intended to be another mechanism for members of staff to raise any general dissatisfaction with their employment. Such matters should be dealt with under the College's Grievance Policy and Procedure. This policy assists members of staff only in respect of conduct which amounts to matters identified in section 3.6 below. It is not designed to allow members of staff to question financial or business decisions taken by the College, save where the member of staff reasonably believes they may be illegal or tainted by illegality.
- 3.5 This policy is also not intended to deal with concerns which should be raised or addressed, or which have already been raised or addressed, under the College's disciplinary, complaints, grievance or other policies, such as the alleged misbehavior of another member of staff.
- 3.6 Qualifying Concerns/Disclosure to be raised under this policy should relate to activities which have occurred or are likely to occur, which would amount to:
 - 3.6.1 Fraud.
 - 3.6.2 Financial irregularities.
 - 3.6.3 Corruption.
 - 3.6.4 Bribery.
 - 3.6.5 Criminal offences.
 - 3.6.6 Failure or likely failure to comply with a legal obligation.
 - 3.6.7 Breach of confidentiality.

- 3.6.8 Financial misconduct/irregularities.
 - 3.6.9 Serious professional misconduct/impropriety.
 - 3.6.10 The occurrence or likely occurrence of a miscarriage of justice.
 - 3.6.11 Damage or likely damage to the environment.
 - 3.6.12 Endangering the health and safety of any individual.
 - 3.6.13 Information intended to show any of the above is being or likely to be deliberately concealed.
- 3.7 Malpractice does not include mismanagement, which may arise from, for example, weak management, rather than an illegal or unethical action for personal benefit whilst in a position of trust.
- 3.8 This policy is designed to offer protection to those members of staff, or others associated with Inverness College UHI, who disclose such concerns, provided disclosure is made:
- 3.8.1 Following this policy and associated procedure
 - 3.8.2 In good faith, and not for personal gain or out of personal motives, and in the reasonable belief of the members of staff that the allegation is substantially true.
- 3.9 Members of staff who raise concerns in accordance with this policy will be protected under the Act provided:
- 3.9.1 The disclosure is to the employer or other responsible person within Inverness College UHI.
 - 3.9.2 The disclosure is made to a legal adviser.
 - 3.9.3 The disclosure is made to a Minister of the Crown or Member of the Scottish Government.
 - 3.9.4 The disclosure is made to a person prescribed by the Secretary of State.
 - 3.9.5 Disclosure in other cases where none of the above options are available and the members of staff believe that they will be subject to a detriment if the disclosure is to one of the above.
 - 3.9.6 The matter is so serious to merit the bypassing of the above and certain conditions are met then the members of staff will be protected.

4. Compliance

This policy must be complied with, with an annual or post investigation report being submitted to the Audit Committee as necessary.

5. Monitoring

A Public Standards Panel, shall comprise four members of the Senior Management Team, one of whom shall be the Director of Organisational Development or, if the complaint relates to one or more members of the Senior Management Team, the

Chair of the Board plus two other Board Members, who may not be members of the Audit Committee.

The Public Standards Panel shall decide how a matter raised under this policy should be investigated, including whether the procedure should be involved, and what actions need to be taken, and will report on the procedure used and the outcome of each investigation to the Audit Committee.

6. Review

The Public Interest Disclosure (Whistle Blowing) policy shall be reviewed every 3 years.