

	<b>OPERATING POLICY: KC/QM/053</b>		
	<b>TITLE: RAISING MATTERS OF CONCERN (WHISTLE BLOWING)</b>		
	<b>AMTD:</b> 2	<b>Last Date of Issue:</b> 01/10/08	<b>No of Pages:</b> 3
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<b>Prepared by: College Executive</b>		<b>Approved by: Board of Management</b> 29/09/08	

## 1.0 PURPOSE

This policy provides a framework to enable staff to disclose any unlawful or improper actions occurring within the College.

## 2.0 POLICY STATEMENT

Kilmarnock College will ensure that employees are able to raise genuine matters of concern within the framework of the 1998 Public Interest Disclosure Act without penalty, discrimination or victimisation.

## 3.0 SCOPE

The Public Interest Disclosure Act 1998 is designed to protect individuals who make disclosures of information to outside agencies or the media relating to illegal activities of their employer or members of their employers staff. The Act provides that, if in certain limited circumstances, an employee believes that to make a disclosure to their employer may result in victimisation or detrimental treatment, the duty of confidentiality normally owed to the employer will not apply. If victimisation or detrimental treatment should occur, a remedy against the employer will be available.

## 4.0 RESPONSIBILITIES

- 4.1 It is the responsibility of the Line Manager / Senior Manager to ensure that staff who raise matters of concern are not victimised or discriminated against.
- 4.2 It is the responsibility of the staff member raising concern to seek legal advice as to the Public Interest Disclosure Act 1998 and the protection it affords.

## 5.0 OPERATIONAL GUIDELINES

- 5.1 If a member of staff is requested to act in a manner which they consider to be illegal or improper, they should raise the matter with their Line Manager. If the member of staff feels that they are unable or that it is inappropriate to do so,

they should raise the matter with a more senior member of staff at the next level in the management structure. This would be the case where, for example, the Line Manager's conduct is the matter of concern.

- 5.2 The Line Manager or more senior Manager will consult with their Line Manager and shall determine what action should be taken and shall inform the staff member of their decision.
- 5.3 If the staff member feels unable to raise the matter with any manager within their area, they should raise the matter with the Human Resource Manager or Director of Organisational Development who shall discuss with the Principal and / or the Chair of the Board of Management, as appropriate, and will determine the necessary action and inform the member of staff.
- 5.4 If the matter of concern relates to a member of the Senior Management Team, the staff member should follow 5.3 above.
- 5.5 If the matter of concern relates to a member of the Board of Management (including the Principal) the staff member should raise it with the College's Internal Auditors.
- 5.6 If a member of staff feels unable to raise their concerns through any of the above channels they can contact "Public Concern at Work", Suite 301, 16 Baldwins Gardens, London, EC1N 7RJ. Tel: 020 7404 6609 E-mail: UK enquiries: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) , UK helpline: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) Web: <http://www.pcaw.co.uk>
- 5.7 Staff should be aware that the circumstances in which a disclosure will be regarded as protected are limited and it is recommended that staff seek additional legal advice before relying on the Act.
- 5.8 Staff can be assured that only if their allegations proved to be malicious would any action be taken against the instigator of the allegations.
- 5.9 Any allegations received in writing, but unsigned, will be destroyed and no action taken.
- 5.10 Staff should be aware that whilst the college will treat matters of concern confidentially and discuss only with relevant persons for the purpose of seeking advice it should be understood that raising matters of concern could lead to the staff member becoming involved in a number of processes including a criminal investigation or the College's Disciplinary procedure. However, the college will strive to give as much support as possible to the staff member.

**6.0 ASSOCIATED PROCEDURES / DOCUMENTS**

KC/QM/052

Fraud and Anti Corruption Policy

The Public Interest Disclosure Act 1998 Web Address –  
<http://www.opsi.gov.uk>

KC/PM2/OP39

Staff Disciplinary