



Whistleblowing Policy and Procedure

July 2025

History of Changes

Version	Description of Change	Authored by	Date
1.1	Review period changed to 3 years	D Kerr	March 2014
1.2	No changes	D Kerr	March 2017
1.3	No changes	D Kerr	November 2020
1.4	Minor changes to job titles and dates	D Kerr	November 2023
1.5	Full review of policy following guidance from Auditors	D Kerr	July 2025

1. Introduction

This Policy provides guidance to staff, students, Board members and co-opted Board members on how to inform management if they are concerned about serious malpractice, fraud or corruption within the College.

The College has a duty to conduct its affairs in a responsible way with due care for the health and safety of its employees, students and others and to comply with the law. We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct.

This Procedure does not form part of any Staff Member's contract of employment and the College reserves the right to amend the Procedure at its discretion, as it considers appropriate.

2. Scope

This Policy and Procedure is relevant to all staff, students, Board members and co-opted Board members.

3. Key Principles

3.1 Public Interest Disclosure

The Public Interest Disclosure Act 1998 gives protection to employees against being subject to detrimental treatment or dismissal by their employer on the grounds that they have raised a protected disclosure. Detrimental treatment includes disciplinary action, threats or other unfavourable treatment connected with raising a concern. Where an individual discovers information which they believe indicates malpractice or wrongdoing or the misuse of public funds within the College, then the information should be disclosed without fear of reprisal and may be made independently of their direct line management. In the instance of allegations of the misuse of public funds being made, the Director of People Services must notify the Scottish Funding Council.

The aims of this Procedure are:

- To encourage Staff, Students and Board members to report suspected wrong doing as soon as possible in the knowledge that their concerns will

be taken seriously and investigated as appropriate, and that their confidentiality will be respected

- To provide Staff, Students and Board members with Guidance as to how to raise those concerns
- To reassure Staff, Students and Board members that they should be able to raise genuine concerns without fear of detrimental treatment even if they turn out to be mistaken

It is important that Staff, Students and Board members have the confidence to raise concerns about malpractice internally; otherwise they may keep such concerns to themselves. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

Examples of matters that should be reported under this procedure:

- Financial fraud or mismanagement
- Criminal activity
- Bribery or corruption
- A failure to comply with or a breach of relevant duties, regulatory requirements, professional obligations or legal obligations
- Damage to the environment
- Danger to the health and safety of any person
- Unauthorised disclosure of confidential information
- Harm or the risk of harm to children or vulnerable adults
- Deliberate concealment of any of the above matters.

While Staff, Students and Board members are encouraged to raise concerns, it should be appreciated that raising a concern will not be a qualifying or protected disclosure unless, in the reasonable belief of the person raising the concern, the disclosure is made in the public interest and tends to show that one of the following has taken place, is taking place or is likely to take place:

- Criminal offences
- Breach of any legal obligation
- Danger to the health and safety of any individual
- Damage to the environment
- The deliberate concealing of information about any of the above.

The procedure should not be used in respect of:

- Allegations relating to discrimination or harassment against individuals, which should be dealt with under the Grievance or Bullying and Harassment Procedures; or
- Complaints relating to an individual's own personal circumstances, such as the way they have been treated at work, which should be dealt with using the College's established Grievance Procedure; or
- Collective grievances affecting a number of employees, which should also be dealt with using the College's established Grievance Procedure.

4 Confidentiality

Anyone who raises a genuine concern will have the matter treated in a confidential and sensitive manner.

The identity of the individual making the allegation will be kept confidential unless this is genuinely incompatible with a fair investigation of the allegation or if there is an overriding reason for disclosure.

Individuals are encouraged to put their names to any disclosures they make. Proper investigation may be more difficult or impossible if the College cannot obtain further information from an individual. If they are in any doubt they can seek advice from Protect (formerly Public Concern at Work), the independent whistleblowing charity. Concerns expressed anonymously may be considered at the discretion of the College.

5 Procedure

If an individual wishes to make a disclosure of the type listed in paragraph 3 it is hoped that in many cases staff will be able to raise any concerns with their line manager or Head of Sector/Department. If the disclosure is about the line manager or Head of Sector/Department, then the member of staff should raise their concerns with the Assistant Principal, Director or Vice Principal as appropriate. If the concerns relate to a member of the Senior Management Team, they should be raised with the Principal. Any concerns that relate to the Principal must be raised with the Chair of the Board of Management.

Students should raise their concerns with their Guidance Tutor/Lecturer or Head of Sector in the first instance. If the disclosure is about the Guidance Tutor/Lecturer or Head of Sector, then they should raise their concerns with the Assistant Principal or Vice Principal as appropriate.

Board Members will be able to raise their concerns with the Senior Independent Member/Chair of Audit & Risk Committee or with the Secretary. The matter may be reported in person or in writing.

The Line Manager or Head of Sector/Department (or other person identified above) may be able to agree a way of resolving their concern quickly and effectively. A note of any meeting held with the individual concerned will be taken and a copy provided to the individual. If a meeting is held, the individual will also be given the opportunity to be accompanied by a trade union representative or work colleague, should they so wish. The note of the meeting and outcomes will be forwarded to the Director of People Services for retention as appropriate.

Where the matter is more serious, or if the individual feels that the concern has not been addressed, or they prefer not to raise it with the persons described above, they can refer the matter to the Governance Professional of the Board. In the event of a matter being reported to the Governance Professional, the following procedure should be followed:

Stage 1

Initial disclosure should be made directly to the Governance Professional who will determine in consultation with the Chair of the Audit & Risk Committee whether it is a concern that should be investigated. If the Governance Professional and the Chair of the Audit & Risk Committee determine that an investigation is not appropriate, and the disclosure is not to be pursued, the complainant will be advised of this in writing.

If the matters disclosed involve the Governance Professional of the Board, the disclosure should be made to the Chair of the Audit & Risk Committee, who will manage the procedure in place of the Governance Professional. The Chair of the Audit & Risk Committee will determine in consultation with the Chair of the Board whether it is a concern that should be investigated.

Stage 2

If it is decided to proceed with an investigation, the next steps may be:

- an initial assessment to determine the scope of any investigation. The individual may be required to attend additional meetings in order to provide further information or as part of a subsequent investigation.
- an internal investigation conducted by a manager or managers designated by the Governance Professional or Chair of the Audit & Risk Committee as appropriate.

- an internal investigation conducted by the designated manager or managers in association with the Audit & Risk Committee of the Board.
- to refer the matter to the Scottish Funding Council and/or the College's Internal Auditors for it to consider whether external investigation is appropriate.
- to refer the matter to the police.

Any such steps taken will be initiated expeditiously. The list above is not exhaustive. The complainant will be advised, where appropriate, in writing about which steps are to be taken.

Stage 3

The results of any investigation together with any recommendations for action will be formalised in a report which will be brought to the attention of the appropriate authority. In most cases the Principal and Chief Executive of the College will be such an authority, unless the investigation involved the Principal. In other cases, the matter may be appropriately referred to the Audit & Risk Committee which will provide a report to the Board of Management.

Where an internal investigation has been carried out, the investigation report may make recommendations. Recommendations may include, for example, that a disciplinary process will be followed. No action will be taken against any individual until or unless that individual has had an opportunity to make representations in relation to the allegations, in any disciplinary process followed.

The complainant will, where appropriate, be advised in writing of the outcome of the investigation. Sometimes the need for confidentiality may prevent the College giving the individual who has made the disclosure specific details of the investigation or the recommendations, including any disciplinary action taken as a result. They should treat any information which they are given about the investigation as confidential.

Specific timescales for actions and responses cannot be specified. This recognises the likely variations in the length of time it may take to investigate different issues. However, it is recognised that sensitive and expeditious handling of such disclosures is essential.

The College community is responsible for the success of this procedure and should ensure that it is used appropriately to disclose any suspected danger or wrongdoing.

6 External Disclosures

The aim of the procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within the College. In most cases, an individual should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. In such instances it is strongly encouraged that an individual seek advice, for example, from a solicitor, from the Citizens Advice Bureau or from Protect, before reporting a concern to anyone external. It is possible that a disclosure which has been made externally will not be protected. Protect not only operates a confidential helpline, but they also have a list of prescribed regulators for reporting certain types of concern and will be able to assist.

7 Protection from Victimisation

Any individual who makes a protected disclosure shall be protected from victimisation. However, as outlined at paragraph 3 above, there are certain conditions which apply before a disclosure is a protected disclosure and this Procedure does not exhaustively set out those conditions. Victimisation includes dismissal, disciplinary action, threats or other unfavourable treatment where that action or treatment is because the individual has raised a concern. All allegations of victimisation will be dealt with under the College Disciplinary Procedure and if established, are likely to be treated as gross misconduct.

Anyone who has raised a protected disclosure must not suffer any detrimental treatment on the grounds that they have done so. Staff must not threaten or retaliate against anyone who has raised a concern in any way. Anyone involved in such conduct may be subject to disciplinary action.

8 False and Malicious Allegations

This procedure is designed to offer protection to those employees or other members of the College who disclose such concerns in the reasonable belief that the disclosure tends to show malpractice and is in the public interest.

The Board wishes to emphasise that no individual(s) will be disciplined for raising a genuine protected disclosure, so long as they follow the procedures laid down in

this procedure.

If an individual has made false allegations without a reasonable belief that they are true, then disciplinary action is likely to be taken against that individual.

9 Procedure Implementation

In particular cases, the College may choose to vary the process which is followed, taking alternative or additional steps or omitting steps as it considers appropriate to the facts and circumstances of that case.

10 Independent external review

Once the investigation stage has been completed, if the individual raising the allegation is still dissatisfied with the decision or the way we dealt with the allegation, they can ask the SPSO to look at it. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our whistleblowing procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the allegation and investigation.

4 Responsibilities

- 4.1 The Regional Board is responsible for approving this policy and for overseeing compliance with its principles.
- 4.2 The Director of People Services is responsible for the implementation of this policy.
- 4.3 All staff are responsible for ensuring compliance with this policy.

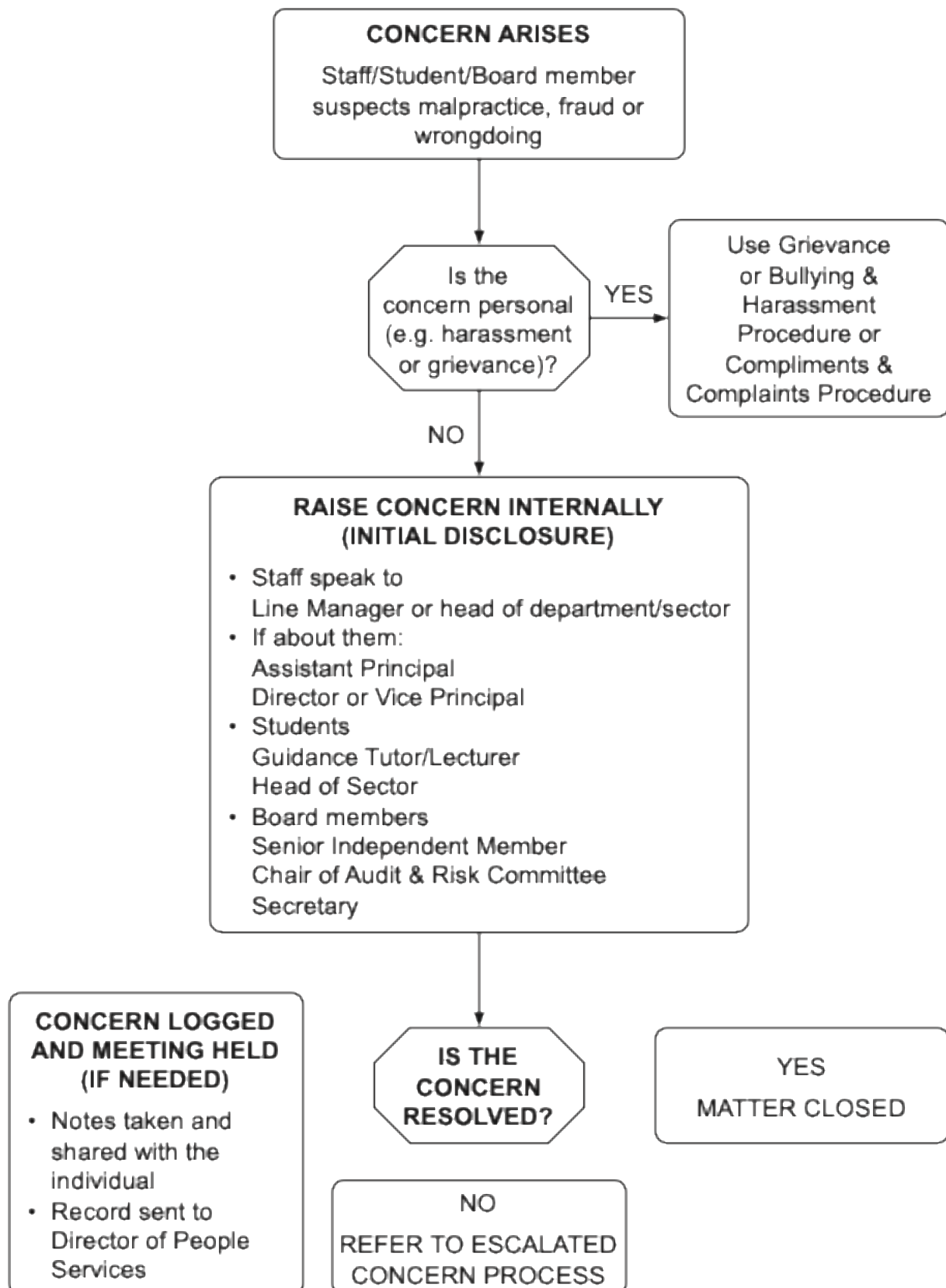
5 Related Documents

All College Policies and procedures

6 Review

This policy will be reviewed every 3 years or earlier if necessary.

REPORTING SERIOUS MALPRACTICE, FRAUD OR CORRUPTION



Status: Approved by JCCP (awaiting Board Approval)
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Equality Impact Assessed: