

PUBLIC INTEREST DISCLOSURE POLICY

1 Introduction

- 1.1 Orbital South Colleges (comprising East Surrey College, Reigate School of Art and John Ruskin College) (The College Group) is committed to operating in an ethical and principled way. The aim of this Policy and accompanying Procedure is to provide employees and workers (referred to collectively as 'workers' in this Policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The College Group encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This Policy and accompanying Procedure is intended to provide safeguards to enable workers to raise concerns about malpractice in connection with either Colleges.
- 1.3 This Policy and accompanying Procedure also aims to encourage workers to raise genuine concerns through internal College Procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this Policy informs workers how they can do so. However, a failure to raise a concern under this Procedure may result in a disclosure losing its protected status under the law.
- 1.4 The principles of openness and accountability, which underpin legislation protecting whistle-blowers are reflected in this Policy and accompanying Procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.5 Students who wish to report an alleged malpractice or irregularity should do so by using other appropriate College Procedures relating to complaints.

2 Scope

- 2.1 This Policy applies to all employees of either Colleges, and
- 2.2 Workers which includes any casual workers, self- employed, home-based casual workers; and employees of subcontractors; and
- 2.3 Agency workers engaged by either Colleges.

3 Protected Disclosures

- 3.1 The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see section 4 below) and the disclosure must also be made in an appropriate way (see accompanying Procedure). A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

4 Specific Subject Matter

- 4.1 If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this Policy and accompanying Procedure:

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- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health and safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5 Dealing with Concerns

- 5.1 The College Group encourages workers to raise genuine concerns about malpractice at the earliest practicable stage rather than wait for proof. Malpractice within either Colleges is taken very seriously.
- 5.2 It is the responsibility of all workers to raise concerns about malpractice, and to do so in accordance with this Policy and accompanying Procedure.

Workers who raise a concern need to be clear as to what the issue is and which Procedure applies e.g. whether it is a matter that would be better dealt with through this Policy or through the Grievance Policy. If in doubt they should ask for procedural advice from a member of the Human Resources Department, trade union, or Protect a registered charity which advises on serious malpractice within the workplace (Tel No 020 3117 2520).

Workers who raise a concern must declare any personal interest he/she has in the matter.

Individuals are encouraged to come forward with genuine concerns in the knowledge that they will be taken seriously. If, however, individuals use this Policy to make malicious or vexatious allegations, they will be committing a disciplinary offence. Wilful misuse of this Policy could constitute an act of gross misconduct and may lead to dismissal.

Where an individual making a disclosure ("the Discloser") involves a local trade union representative or friend to assist him/her, the Discloser will be under an obligation to use all reasonable means to ensure that the representative or friend keeps the matter strictly confidential except as required by law.

- 5.3 The College Group will make every effort to keep the identity of the Discloser confidential unless the Discloser otherwise consents in writing or unless there are grounds to believe that the Discloser has acted maliciously. In the absence of such consent or grounds, the impartial "Designated Assessor" will not reveal the identity of the Discloser except:
- where the Designated Assessor is under legal obligation to do so;
 - where the information is already in the public domain;
 - on a strictly confidential basis to the Designated Assessor's administrative assistant;
 - on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice;
 - where it is essential that the Discloser provides evidence at a Disciplinary Hearing

The College Group will not tolerate harassment or victimisation of anyone raising a concern, whether or not it proves to be well-founded.

6 Procedure

- 6.1 The accompanying Procedure is, accordingly, intended to provide safeguards to enable any worker to raise concerns about malpractice in connection with either Colleges. The aim is to provide a rapid mechanism under which genuine concerns can be raised internally and, if necessary, externally, without fear of adverse repercussions to the individual. It is also intended to promote throughout both either Colleges a culture of openness and a shared sense of integrity by inviting all workers to act responsibly in order to uphold the reputation of the College Group and maintain public confidence.

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- 6.2 The accompanying Procedure also seeks to balance the need to provide safeguards for workers, who raise genuine concerns about malpractice, against the need to protect members of staff, members of the Corporation, students and the College Group, against uninformed or vexatious allegations, which can cause serious difficulty to innocent individuals.

7 **Responsibility for implementation**

It is the responsibility of the Executive Director HR and Professional Development to ensure that Procedures are in place and that these Procedures are acted upon.

8 **Access to Policy**

This Policy and accompanying Procedure can be found on x drive: Policies and Procedures.

9 **Training and Guidance**

Questions about this Policy and/or Procedure and requests for training, guidance or information on this Policy and/or Procedure should be directed to the HR Team

10 **Mechanisms for Feedback**

Constructive comment on the continued improvement of this Policy is welcomed and should be forwarded to the Executive Director HR and Professional Development.

11 **References**

Staff Handbook (Policies and Procedures)
OSC03 Client Feedback Policy

12 **Further information**

None

13 **Produced/Reviewed by:** Executive Director – Human Resources and Professional Development

Date: February 2021

14 **Approved by:** Executive

Date: 3 March 2021

15 **Approved by:** Audit Committee

Date: 11 March 2021

16 **Approved by:** Corporation Board

Date: 25 March 2021

17 **Review by:** February 2023

18 **Policy Code:** OSC55