

CODE OF PRACTICE ON DISCLOSURE OF FRAUD OR MALPRACTICE "WHISTLE BLOWING"

1 INTRODUCTION

The Governing Body, as part of its commitment to cultivate a climate of openness and honesty and respect for the individual at Carmel College, has adopted a code of practice for the prevention/exposure of fraud or malpractice within the College (commonly known as 'whistle blowing').

Such a policy has been defined as "*disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace - be it of the employer or of his/her fellow employees*". One of the key recommendations arising from the work of the Nolan Committee is that "*codes of practice on whistle blowing enable concerns to be raised confidentially inside, and if necessary outside, organisations*"..

2 BENEFITS TO CARMEL COLLEGE

This Code of Practice has been implemented in order to:

- i) Endorse and complement the procedures/information contained in other documents within the college, eg Codes of Conduct for a) staff and b) governors, disciplinary & grievance procedures and register of interest.
- ii) Combat corruption, fraud and malpractice wherever it might arise within, or in relation to, the college.
- iii) Promote accountability.
- iv) Ensure any member of staff may have access to a named individual(s) and, through them, to the Governing Body or, if considered necessary, to another appropriate body, eg the Learning & Skills Council, the Trustees of the Archdiocese of Liverpool or to legal advice, without fear of harassment or victimisation.

3 RESTRICTIONS (refer to section 4 i - I in the College's Disciplinary Rules)

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- Wherever possible, a complaint/allegation should always be reported to the line manager concerned and dealt with under normal College procedures, ie the complaints or grievance procedures, unless the complainant has good reason to believe that he/she would not be fairly dealt with or would suffer victimisation by raising the matter publicly.

^ Making an external disclosure in breach of this Code of Practice, without reasonable grounds, may be dealt with under the College's disciplinary procedures.

^ Although no employee will ever be disciplined for raising a legitimate concern, in line with the procedures outlined in this document, an issue should not be raised in this way for the purpose of furthering any private dispute. Should an allegation be proved to have been made with spiteful or malicious intent, then the person making such an unfounded allegation may be dealt with under the college's disciplinary procedures.

NB: It should be clearly understood that any employee may raise legitimate concerns through their union or professional association, if they so choose.

4 DISCLOSURE OF INFORMATION

A broad outline of the type of information/allegation which could properly be dealt with under the terms of this Code of Practice is given below.

Should an employee have reasonable grounds to believe that:

^ a criminal offence has been, is being or is likely to be committed;

^ a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;

^ a miscarriage of justice has occurred, is occurring or is likely to occur;

^ the health and safety of any individual has been, is being or is likely to be endangered;

^ the environment has been, is being or is likely to be damaged;

^ information tending to show any matter falling within any of the above categories has been, is being or is likely to be deliberately concealed.

5 NAMED INDIVIDUAL

For Carmel College, an issue may be raised by contacting the following named individuals, who **absolutely guarantee** that your identity will remain confidential throughout the investigation:

NAME	POSITION	TELEPHONE NUMBER
John Perry Rob Peacock	Clerk to Governors Principal	01744 452200 (College) 01744 452200 (College)

Should you prefer to discuss the matter initially with someone outside the college, Carmel has a reciprocal agreement with Greenhead College and you may contact their Clerk, as detailed below. Information will then be passed to the Clerk at Carmel College, ensuring that the confidentiality of the individual is maintained.

Wendy Scott	Clerk - Greenhead College	01484 422032 (College)
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In the event of an allegation of serious financial mis-management or fraud, the College's Auditors should be informed immediately and, if appropriate, the matter should be reported to the Police. □

Sue Harris	Auditor – Baker Tilly	01244 327171
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6 PROCEDURE

- 1) The complainant should first contact the *named individual* by telephone or in person, clearly stating that they wish the matter to be dealt with, confidentially, in line with the College's 'Whistle blowing' procedure.
- 2) The complainant may request a meeting away from the College, in order to ensure confidentiality.
- 3) The complainant does not have to submit any complaint/allegation in writing at this stage, but the Clerk (or other named individual) must make a written note of the discussions, being careful to protect the confidentiality of the complainant.
- 4) The Clerk (or other named individual) should initially take up the complaint/allegation with the college management team, in order to give them an opportunity to investigate the matter and, if possible,

provide the complainant with an acceptable explanation, before the matter is taken further.

- NB:** It is appropriate for management to be given every chance to investigate and take appropriate action before an allegation is disclosed in the public domain - this is in the best interests of the college and its employees.
- 5) Should the complainant still wish to pursue the matter, the Clerk (or other named individual) should put the allegation before a team of four people, consisting of the Chair and three other Governors (to be selected by the complainant). This team should be given all available information pertaining to the allegation and any assistance they require to investigate the matter thoroughly.
 - 6) On completion of this investigation, the team should provide a written report on its findings to the Clerk (or other named individual), who would then pass this response to the complainant. Should the team have upheld the allegation, then disciplinary or other appropriate measures should be taken, in consultation with the college management team, and details of the measures taken should be passed to the complainant.
 - 7) At this stage, should the complainant still not be satisfied with the handling of the matter, then he/she shall be entitled to request access to independent legal advice.
 - 8) During the course of any enquiry, the complainant may contact the Trustees of the College, at the Archdiocesan Offices in Liverpool, to ask for their advice in attempting to resolve the matter.
 - 9) At the end of this procedure, should the complainant and the college still be unable to resolve the matter in a manner satisfactory to both parties, then an official from the LSC may be asked to arbitrate.
 - 10) Once the matter has been satisfactorily concluded, a full report should go to the next meeting of the full Governing Body.

7 *TIMESCALE FOR IMPLEMENTATION OF PROCEDURE*

- ^ From first contact, meeting with 'named individual' to be arranged within 5 working days.
- ^ Complaint/allegation to be taken up initially with College Management Team (CMT) within the next 3 working days.
- ^ Reply to be communicated to complainant (via 'named individual') within the next 5 working days.

- ^ Notice of appeal against CMT decision to go to 'named individual' within next 3 working days and team of Governors to be given full details of complaint/allegation.
- ^ Team of Governors to be allowed a further 10 working days to make enquiries and come to a decision. Details of decision and any action (disciplinary or legal) to be communicated to complainant (via 'named individual').
- ^ Should the complainant not be satisfied with this course of action, he/she may then seek independent legal advice, as outlined under para 7 of the Procedure.
- ^ At any point during the procedure, should it be considered necessary, the matter may be reported to the Police.