

Public Interest Disclosure (Whistleblowing) Policy

CONTEXT

1. The Public Interest Disclosure Act 1998 (the Act) gives legal protection to workers against being dismissed or suffering other detriment as a consequence of raising, with the appropriate senior staff (see paragraph 10), concerns which they believe indicates malpractice within the organisation.
2. In response to the Act, the College has put in place channels through which staff can express such concerns (the procedures) and emphasises that the individual (the discloser) expressing concerns, which they reasonably believe to be true in good faith, should not be jeopardised as a result.
3. The Public Interest Disclosure procedure are also intended to provide guidance to students and employees who believe that they have discovered evidence of malpractice.¹ They are not designed to permit the questioning of the business decisions taken by the College, nor may they be used to seek reconsideration of any matter that has already been addressed under any other College policy/procedure.

GENERAL PRINCIPLES

4. The College has a duty to conduct its affairs in a responsible and transparent way and to take account in so doing the requirements of funding bodies and standards in public life as set out by the Nolan Committee. In addition, the College corporately is committed in a demonstrable way to the principles of academic freedom and equality of opportunity which are embodied in its Articles.
5. In return, the College has a reasonable expectation that all its students, employees, and member of the governing body conduct themselves in a manner which is consistent with and conducive to the maintenance of these high standards, as befits those who, at all levels, have a responsibility to fulfil in connection with the use of public funds.

SCOPE AND APPLICATION

¹ Students included undergraduate, postgraduate and apprenticeship learners.

6. The procedures are intended to cover concerns that are in the public interest. Such concerns may include:
 - 6.1. Financial malpractice, impropriety or fraud.
 - 6.2. Failure to comply with a legal obligation, regulatory requirements, or consistently with the laws of the College.
 - 6.3. Serious danger to the health and safety of the individual or the environment.
 - 6.4. Criminal activity.
 - 6.5. Widespread academic or professional malpractice.
 - 6.6. Miscarriage of justice.
 - 6.7. Attempts to conceal any of the above.
7. The discloser must reasonably believe that their disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal rather than a wider public interest, for example a disclosure about a breach of the terms of the disclosers contract of employment.
8. Disclosers are normally expected to identify themselves and action will not normally be taken in response to anonymous disclosures. However, anonymous disclosures may be considered in these proceedings depending on:
 - 8.1. The seriousness of the issue raised.
 - 8.2. The credibility of the concern.
 - 8.3. The likelihood of being able to verify the circumstances via alternative, credible sources.
9. If a disclosure is made in the public interest but the circumstances are not confirmed by subsequent investigations, no management action will be taken against the discloser, and any reprisal against, or victimisation of them, will be considered to be a serious disciplinary offence. If, however, a person makes a disclosure which they do not reasonably believe to be in the public interest for malicious or frivolous reasons, in bad faith or with a view to personal gain, such person may become the subject to disciplinary action.

PROCEDURES

10. Students or employees that believe that any criminal offence has been, or is being committed, or any legal obligation is not being complied with, they should disclose the matter to the Chief Executive Officer (CEO) immediately. The person reporting the allegation believes the CEO has committed the offence, they should contact Chair of NCHNL Board of Governors (please email the [Registrar](#) or [Head of Quality Assurance](#) to contact the Chair of NCHNL Board).

11. The College will investigate the disclosure and where possible, maintain the identity of the discloser confidential, if that is expressly requested.
12. The discloser will be notified of the College’s findings following the completion of the investigation.

EXTERNAL DISCLOSURE

13. The aim of this procedure is to provide an internal mechanism for reporting, investigating and remedying any malpractice in the College. However, the law recognises that in some circumstances it may be appropriate to report concerns to an external body, such as the regulator.
14. Disclosers should normally seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and has a list of prescribed regulators for reporting certain types of concerns. Their contact details can be found [here](#).

MONITORING AND REPORTING

15. The CEO is responsible for monitoring this procedure and reporting to NCH at Northeastern Limited Board of Governors, any disclosures and their outcomes.
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Title: Public Interest Disclosure Approved by: Executive Committee					
Version number	Date approved	Date published	Owner	Location	Proposed next review date
3.1	October 2020	October 2020	CEO	Academic Handbook; Policies and Procedures; General.	June 2022
3.0	June 2020	July 2020	CEO	Academic Handbook; Policies and Procedures; General.	June 2022
2.0	September 2018	September 2018	CEO	Staff Handbook	September 2020
1.0	August 2017	August 2017	CEO	Staff Handbook	September 2018
Referenced documents	None				
External Reference Point(s)	Public Interest Disclosure Act 1998				

