



The College of  
Animal Welfare

**Whistleblowing Policy and Procedure**  
**'Making a Disclosure in the Public Interest'**

Reviewed January 2022

## **Introduction**

The College of Animal Welfare is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and students to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The College has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the College nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the College.

## **Scope of Policy**

This policy is designed to enable employees of the College to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
  - Improper conduct or unethical behaviour
  - Breaches of Animal Welfare
  - Attempts to conceal any of these
  - Challenge of terrorism or where there are risks of radicalisation that we need to address.
  - Concerns under the Prevent duty
  - Safeguarding young people
  - Attempts to conceal any of these

## **Safeguards**

### **i. Protection**

This policy is designed to offer protection to those employees of the College who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **ii. Confidentiality**

The College will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **iii. Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the College.

In exercising this discretion, the factors to be taken into account will include:

- \* The seriousness of the issues raised
- \* The credibility of the concern
- \* The likelihood of confirming the allegation from attributable sources
- \* The risk to others

### **iv. Untrue Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

## **Principles**

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the staff member who raised the issue.

The staff member will not be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the staff member will not be prejudiced because they have raised a legitimate concern.

Victimisation of a person for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff should not agree to remain silent. They should report the matter to a director or senior manager.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

## **Procedures for Making a Disclosure**

(1) In the first instance, and unless the staff member reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the staff member does not wish to approach their line manager, any concerns should be raised with their line manager. If they believe their line manager to be involved, or for any reason does not wish to approach the line manager, then the staff member should proceed straight to stage 3.

(2) The line manager will arrange an investigation into the matter (either by investigating the matter personally or immediately passing the issue to someone in a more senior position). The investigation may involve the staff member and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The staff member's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the human resources department and start the disciplinary procedure. On conclusion of any investigation, the staff member will be

told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

(3) If the staff member is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, they should inform a director of the organisation [Barbara Cooper 07803903047], who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the board as in stage 2 above. If for any other reason the staff member does not wish to approach their line manager they should also in the first instance contact [Barbara Cooper]. Any approach to the director will be treated with the strictest confidence and the staff member's identity will not be disclosed without their prior consent.

(4) If on conclusion of stages 1, 2 and 3 the staff member reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Office for Police Conduct; and
- the Serious Fraud Office.
- the Regulatory Professional Body

### **Data protection**

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with the college's data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

A whistleblowing policy should establish the procedure for a staff member to follow if they have genuine concerns about a colleague's conduct or the organisation's practices. The whistleblowing policy should make clear what sort of allegations will count as a protected disclosure and should allow for the staff member to raise these concerns with a nominated person and set out the steps that the employer will take in response.

A "qualifying disclosure" means any disclosure of information that, in the reasonable belief of the staff member, is made in the public interest. The requirement that a whistleblower

make a qualifying disclosure "in good faith" has been removed. Therefore, while the employer can seek a declaration from the whistleblower that they are not knowingly making false allegations, disciplinary action is likely to be appropriate only where there is clear evidence that the staff member has misused the whistleblowing procedure. A consequence of the requirement that a disclosure be made in the public interest is that an employee will generally be precluded from being able to "blow the whistle" about breaches of their own employment contract.

Employees who make protected disclosures are protected from adverse treatment in relation to their employer's activity. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another staff member.

The General Data Protection Regulation (GDPR) requires employers to comply with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the Information Commissioner within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

## **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

## **Investigating Procedure**

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.

- The investigating officer should consider the involvement of the College auditors and the Police at this stage and should consult with the Principal
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Principal as appropriate.
- The Principal will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate College procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the College Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with a Director, or the HR Manager.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the College recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

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