



# **Whistleblowing Policy and Procedure**

**November 2023**

## History of Changes

<b>Version</b>	<b>Description of Change</b>	<b>Authored by</b>	<b>Date</b>
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. Introduction

The Public Interest Disclosures Act 1998 came into force on 2 July 1999. Broadly, its objective is to provide protection from dismissal, or a detriment short of dismissal to workers who, in good faith, “blow the whistle” on certain specified activities within their organisation by following the procedures set out in the Act.

## 2. Scope

This Policy and Procedure is relevant to all staff.

## 3. Key Principles

### 3.1 Policy

Borders College encourages a free and open culture in its dealings between its employees and all people with whom it engages in business and legal relations. In particular, the College recognises that effective and honest communication is essential to its success.

The College regards it not only right but the duty of individual members of staff to raise any matters of concern which they might have about perceived malpractice. This policy is designed to provide guidance to all those who work with or within the College who may find themselves in this position.

### 3.2 Procedure

#### Subject Matters of Disclosure

1. This procedure will apply in cases where you genuinely and in good faith believe that one of the following sets of circumstances is occurring, has occurred or may occur within the College:
  - a criminal offence has been committed, is being committed 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 or 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 one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Please note, however, that you will not be protected from consequences of making such a disclosure if, by doing so, you commit a criminal offence.

2. If you wish to raise or discuss any issues which might fall into one of the above categories you should contact the Director of People Services who will treat the matter in confidence. In such cases, it is likely that further investigation will be necessary. The process of investigation will differ depending on the nature of the issue - but will be explained to you and your identity will be kept confidential unless required to attend a disciplinary or investigative hearing as a witness. The outcome of the investigation will be notified to you although some information such as the outcome of any resulting disciplinary procedure would remain confidential. Under normal circumstances this will be done within 10 working days. If, however, the investigation is likely to be a prolonged one, you will be kept informed in writing as to the progress of the investigation and when it is likely to be concluded. If the allegation is serious or from or through another agency, then the Chair of the Regional Board will be informed. If the allegation has been made public by the originator, both the chair of the Regional Board and the Chief Executive of the Funding Council will be informed. They will also be informed of the outcome of the investigation. In the case of a serious anonymous allegation, the Chair and the Principal will handle this in confidence, only informing other members of the Board and external agencies as appropriate. Appropriate steps will be taken to ensure that your working environment and/or working relationships are not prejudiced by the fact of your disclosure. Victimisation of staff who raise legitimate concerns will not be tolerated. In the event of the disclosure being about the Director of People Services then the disclosure should be made to the Principal. If the disclosure is about the Principal then it should be made directly to the Chair of the Regional Board by contacting The Secretary to the Board, Borders College, Scottish Borders Campus, Nether Road, Galashiels, TD1 3HE.
3. If you reasonably believe that the relevant failure (i.e. one of the set of circumstances listed above) relates wholly or mainly to the conduct of a person other than your employer or any other matter for which a person other than the College has legal responsibility, then you should make that disclosure to that other person.  
Also, you may make such a disclosure in the course of obtaining legal advice to your legal advisor.
4. You should be aware that the policy will apply where a disclosure is in good faith and where you reasonably believe that the information disclosed, and any allegation contained in it are substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within the College), or concerns information which you do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the College's disciplinary procedure and may constitute gross misconduct for which dismissal could be the sanction.

5. In the event of your being dissatisfied with the outcome of the investigation, you can appeal by contacting, in the first instance, the College's internal auditors, who are independent from the College Management team. Further action, if necessary, can be made through the College's external auditors, or the Scottish Funding Council, Donaldson House, 97 Haymarket Terrace, Edinburgh, EH12 5HD, whichever is thought appropriate in the circumstances. Contact details for the auditors are available from the People Services Department.
6. While the College hopes that such disclosures will never be necessary within its organisation, it also recognises that it may find itself in circumstances which are new to it. Each case will be treated on its own facts.

## **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.

Status: Approved by Board of Management and Approved by JCC  
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Equality Impact Assessed: 4 August 2021