



## PROCEDURE

<b>Document Title</b>	<b>Sub-Contractor Allegations</b>
<b>Version</b>	<b>Version 1</b>
<b>Approved by</b>	<b>Senior Management Team</b>
<b>Date approved</b>	
<b>Effective date</b>	
<b>Date of next review</b>	<b>31<sup>st</sup> July 2016</b>
<b>Lead responsibility</b>	<b>Executive Director of Finance and Resources</b>

## 1. Purpose

- 1.1. The sub-contractor allegations procedure is designed to ensure that effective arrangements are in place to deal with any legitimate external concern that is raised about serious malpractice or misconduct within any of the College's sub-contracting partners. The procedure will seek to deal with such allegations in a manner which is fair, consistent and expeditious.
- 1.2. In order to raise an allegation under this procedure, you need to reasonably believe that malpractice is happening, has happened or will happen. You also need to make your disclosure in the right way. The types of malpractice covered by this procedure are as follows:
  - criminal offences;
  - failure to comply with a legal obligation;
  - miscarriages of justice;
  - threats to people's health and safety;
  - damage to the environment.
- 1.3. The College takes legitimate external allegations raised against its sub-contracting partners very seriously. This procedure describes how we respond to allegations of this nature, providing clarity to all parties concerned on the College's approach and outlining the specific actions and steps involved in the process.

## 2. Scope

- 2.1. This Policy sets out how Derwentside College will deal with external allegations raised against its sub-contracting partners. Allegations made against sub-contracting partners under this procedure would normally be expected to be raised by the following groups:
  - Funding organisations;
  - Examining Bodies;
  - Members of staff of employed by Sub-Contracting Partners;
  - Learners.
- 2.2. Members of staff employed by Derwentside College are not covered by this procedure and should instead raise their concerns through the College's Public Interest Disclosure Policy, which affords them protection under the Whistle Blowing legislation.
- 2.3. In all other cases identified above, individuals and organisations identified as being external to the College should follow the guidance laid out in this procedure.
- 2.4. In the case of members of staff employed by sub-contracting partners, we would encourage these individuals to consider blowing the whistle internally within their own organisation in the first instance. However, if concerns have been raised through the appropriate channels already and you have deemed the response unsatisfactory, you may contact us under this procedure.

## 3. Making a Disclosure

- 3.1. How should concerns be raised under this procedure?
  - 3.1.1. Any disclosure made under this policy should be directed to the Principal and Chief Executive of Derwentside College, at the following address:

Derwentside College  
Front Street  
Consett  
County Durham

- 3.1.2. If you decide to make a disclosure under this procedure, please provide the information in writing to us using the details provided above. If you are unable, for whatever reason, to provide information to us in writing, please let us know and we will consider what, if any, alternative arrangements may be appropriate.
- 3.1.3. Should you wish to communicate with us over the telephone, please contact the Personal Assistant to the Principal (telephone 01207 505 900).
- 3.1.4. In any communication with us, please set out your concerns about the organisation as fully and as clearly as possible, stating the issue(s) you reasonably believe have arisen.
- 3.1.5. If you are a member of staff within a partner organisation and have raised your concerns with your employer already, for example under its whistleblowing policy, please tell us and describe what happened as a result.

3.2. How will you deal with a disclosure?

- 3.2.1. Our response to the disclosure you make will depend on whether it fits within this procedure and, if so, our assessment of the seriousness of the concerns you raise.
- 3.2.2. In most cases, where the concerns raised are deemed to be legitimate and fall within the boundaries of this procedure, an investigation will take place to ascertain whether the allegations made can be substantiated.

3.3. What kind of action can you take?

- 3.3.1. We can generally do one or more of the following:
  - make a record of your concerns to add to our database of information about the organisations we sub-contract with;
  - raise the issue directly with the organisation if we consider this appropriate; and/or
  - notify another regulator or official body if it is appropriate for it to look into the concern instead of, or as well as, us.
- 3.3.2. We will make an assessment on what is appropriate in each case. The Principal and Chief Executive of Derwentside College will determine the appropriate course of action to be taken.

3.4. Will you contact me after I have made a disclosure to you?

- 3.4.1. We will provide you with written confirmation of receipt of your disclosure within ten working days. Should the College require further information from you regarding the disclosure you have made, an interview may be arranged.
- 3.4.2. The Principal and Chief Executive will determine the appropriate course of action to be taken in line with this procedure. In the event that an investigation is deemed necessary following the initial disclosure, this will be progressed.
- 3.4.3. The College does not provide information publicly regarding the actions taken in relation to individual partner organisations. As such, you will not be informed of the outcome of any investigation.

3.5. Will you keep my identity confidential?

- 3.5.1. If you ask us to conceal your identity, we will endeavour to do so unless disclosure of your identity is required by law. In such situations, whilst we cannot guarantee that others may not be able to identify you from the information disclosed if we look further into the concerns raised, we aim to exercise discretion when doing this.

3.5.2. You may wish to remain anonymous. However, please remember that if you do not tell us who you are, it is likely to be more difficult for us to look into the concerns raised. Also, we will not be able to contact you to ask for further information that we may need.

3.6. I am a member of staff of a partner organisation, how will I be protected?

3.6.1. Your protection from detriment as a result of whistleblowing is a matter between you and your employer under the whistleblowing legislation. In all cases of this nature, we would encourage individuals employed by sub-contracting partners to consider blowing the whistle internally within their own organisations in the first instance.

3.6.2. On this basis and under the whistle blowing legislation, you will have appropriate means of redress, for example at an employment tribunal, if you have been subject to detriment by your employer, colleagues or your employer's agents (for example, contractors) as a result of your whistleblowing disclosure. In brief this means that you will be protected if:

- you have made the disclosure legitimately;
- you reasonably believe that the disclosure is in the public interest;
- you reasonably believe that the information, and any allegations contained in it, are substantially true; and
- making the disclosure does not involve you committing a criminal offence.

3.6.3. Derwentside College is not able to intervene to resolve any disputes you may have with your employer regarding your employment or provide you with advice on any matter, including advice on any protection you may have under the whistleblowing legislation. Sources of advice that you may wish to consider could include a lawyer, a representative of your professional body/regulatory body/trade union, or the independent whistleblowing charity Public Concern at Work (tel: 020 7404 6609, email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) or website: [www.pcaw.co.uk](http://www.pcaw.co.uk)).

## 4. Investigation Protocol

4.1. Upon receipt of a disclosure the Principal and Chief Executive will:

- Assess whether the allegation raised is in line with the types of malpractice identified under this procedure (see section 1.2);
- Review partner monitoring activity to ascertain whether the allegation raised fits with any existing concerns of the College;
- Review the legitimacy of the allegation(s) in line with the above and against other organisational intelligence;
- Identify whether an investigation is required.

4.2. In the event that an investigation is required, the Principal and Chief Executive will:

- Appoint an 'Investigating Officer', normally the Executive Director of Finance and Resources, but in some cases, another Executive Director.
- Agree the scope of the investigation with the Investigating Officer and an appropriate timeframe for the completion of the investigation.

4.3. The Investigating Officer will then conduct the investigation. This will include:

- Implementing investigation activity in line with the scope agreed with the Principal and Chief Executive.
- Liaising with the partner organisation where necessary, to coordinate investigation activity and deploy College resources.
- Producing an Investigation Report, including findings and recommendations arising from the work conducted.

- Presenting the Investigation Report to the Principal and Chief Executive.

4.4. The Principal and Chief Executive will then determine the actions to be taken following her receipt of the Investigation Report.

## **5. Relevant Legislation / Regulation**

5.1. The following legislation and regulations apply to this procedure:

- Public Interest Disclosure Act 1998
- Enterprise and Regulatory Reform Act 2013

## **6. Related Documents**

6.1. The following related documents are relevant to this procedure:

- Derwentside College Public Interest Disclosure Policy – March 2009

## **7. Accountability**

7.1. The Executive Director of Finance and Resources is responsible for the drafting and implementation of this policy. He is also responsible for ensuring that this document is regularly reviewed and updated – and is the first contact point for managers seeking advice and guidance about the Sub-Contractor Allegations Procedure, or making enquiries about its interpretation.

## **8. Equality & Diversity**

8.1. The College has paid due regard to equality considerations during the preparation and implementation of this Policy and Procedure.

8.2. These considerations included the potential for any differential negative effect on the grounds of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, sexual orientation, marriage or civil partnership.

8.3. The College's judgement is that there is no such negative effect on those grounds and, consequently, no potential breach of the Equality Act 2010.

8.4. The operation of this Procedure will be monitored by the Personnel Manager in order to establish that no unlawful discrimination is taking place and to identify opportunities for the College to enhance equality of opportunity and fair treatment.

## **9. Review**

9.1. This document will be reviewed by 31<sup>st</sup> July 2016. The Executive Director of Finance and Resources will undertake this review, taking into account the outcomes of the monitoring process, legislative changes and developments in good practice. The outcome of the review will be reported to the Senior Management Team.

## 10. Document Identification

<b>Category</b> [select ONE only]	<input type="checkbox"/> Programmes/courses <input checked="" type="checkbox"/> Partnerships <input type="checkbox"/> Finance <input type="checkbox"/> Quality <input type="checkbox"/> Governance <input type="checkbox"/> Health and safety <input type="checkbox"/> Facilities <input type="checkbox"/> Computer Services <input type="checkbox"/> MIS <input type="checkbox"/> Admissions <input type="checkbox"/> Teaching and learning <input type="checkbox"/> Personnel
<b>Audience</b> [select ALL that apply]	<input type="checkbox"/> Employees <input checked="" type="checkbox"/> Learners <input checked="" type="checkbox"/> Partners <input type="checkbox"/> Suppliers <input checked="" type="checkbox"/> Other external bodies