

# Exmouth Community College



## WHISTLEBLOWING POLICY

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## **1. INTRODUCTION**

- 1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrong doing or failures in the workplace. The policy set out in this document applies to all individuals working at all levels at Exmouth Community College.
- 1.2 Employees are often the first to realise that something seriously wrong may be happening within the College. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the College, or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.
- 1.3 The College and its Governing Board are committed to the highest possible standards of openness, probity and accountability and have adopted the seven Nolan Principals of Public Life (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership). In line with that commitment, the College encourages employees and others with serious concerns about any aspect of the College's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the College rather than overlooking a problem or publicly disclosing the matter.
- 1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support. Seeking advice from and being represented by your Trade Union may be the best course of action to raise any issue under this policy. The College recognises and endorses the role which trade unions and their officers play in this process.
- 1.5 This Policy does not form part of contracts of employment and may be amended at any time.

## **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 This policy aims to:
- provide avenues for employees ('you') to raise concerns
  - provide mechanisms for you to receive updates and feedback on any action taken
  - provide a mechanism for you to receive a written response detailing the outcome of the process
  - allows you to take the matter further if you are dissatisfied with the College's response and if all other avenues have been exhausted
- 2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the College or its Governing Board. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other policies for dealing with complaints, with the Code of Conduct, Acceptable Behaviour Policy and with protocols for good working relationships within Exmouth Community College.

2.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you are treated at work. In those cases you should use the College's Grievance Policy.

2.4 Concerns raised under this Whistleblowing Policy should be about something that is in the public interest or may be:

- an unlawful or criminal offence;
- a breach of a legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest);
- a miscarriage of justice;
- mistreatment or abuse of a student, parent or a member of the public for whom the College has a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application;
- against the College's Standing Orders or Financial Regulations, including financial fraud or mismanagement;
- actions which amount to improper conduct or unauthorised use of public funds;
- actions which have led to or could lead to damage to the environment;
- a failure to comply with any legal or professional obligation or regulatory requirement;
- bribery;
- negligence;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information; or
- an action which deliberately covers up information tending to show any of the above.

### **3. SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

The College recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The College will take action to protect you when you raise a concern in good faith. It will not tolerate any detrimental treatment, harassment or victimisation (including informal or indirect pressures) resulting from reporting a concern under this policy and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

3.2 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice arise during a disciplinary or redundancy procedure, those allegations will be investigated at the same time as the disciplinary procedure.

### 3.3 Confidentiality

All concerns will be treated in confidence and the College will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

### 3.4 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful and are discouraged by the College. If allegations are received anonymously, it is much more difficult (and potentially impossible) for the College to investigate the allegation properly and establish that the allegations are credible and have been received in good faith. Concerns expressed anonymously will be considered at the discretion of the Governing Board against the following criteria:

- the seriousness of the issues raised
- the likelihood of confirming the allegation from attributable sources
- the College's best interests
- the protection of the College's assets

3.5 You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.

3.6 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the College. In most cases you should not find it necessary to alert anyone externally. However, the College recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

### 3.7 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action will be taken against you.

## 4. HOW TO RAISE A CONCERN

4.1 Initially, you should raise your concerns with your immediate manager or their superior (SLT Link). However, if for some reason this first step is inappropriate then the concern should be raised with the Principal or the appropriate Governor.

If the concerns involve the Principal or it is not appropriate due to the nature of your concerns, you should initially raise your concerns with the Chair of Governors or Vice Chair of Governors.

The individual receiving the concern will be referred to as the 'lead officer' throughout the remainder of the policy.

The lead offer will then liaise accordingly to ensure that the concern is properly investigated. If the allegations arise from a disciplinary matter, they will be investigated as part of the disciplinary investigation.

- 4.2 Where the concern relates to a child protection matter and you do not wish to raise it via the school, you should inform the Local Authority Designated Officer for Safeguarding (via email at [ladosecure-mailbox@devon.gsx.gov.uk](mailto:ladosecure-mailbox@devon.gsx.gov.uk) or on 01392 384964). If the concern requires Police or other agency/authority involvement, the whistleblowing process will be halted until the relevant agencies have completed any necessary investigations and confirmed that it is appropriate to continue with the whistleblowing procedure.
- 4.3 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood.
- 4.4 A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.
- 4.5 The earlier you express the concern, the easier it is to take action.
- 4.6 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 4.7 You may of course wish to seek advice from your Trade Union representative on how best to raise your concern.
- 4.8 In situations where the conduct complained of is that of a third party, the law allows you to raise a concern in good faith with the third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the College encourages you to report such concerns internally first. By way of example, third parties may include invigilators, Ofsted, Union Representatives, visitors and contractors. This list is not intended to be exhaustive.

## **5. HOW THE COLLEGE WILL RESPOND**

- 5.1 The action taken by the College will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter, the matters raised may:
  - be investigated internally by the College, internal audit or through the disciplinary process
  - be referred to the Police
  - be referred to external auditors
  - need to be the subject of a referral to the National College for Teaching and Leadership
  - form the subject of an independent enquiry

5.2 If urgent action is required in response to a concern, this may well be taken before a full investigation is conducted.

5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

5.4 In any event, within five working days of a concern being received, the College will contact you in writing at your home address to:

- acknowledge that the concern has been received
- indicate how it proposes to deal with the matter
- give an estimate of how long it will take to provide a final response
- tell you whether any initial enquiries have been made
- tell you whether further investigations will take place, and if not, why not;
- name an independent Support Officer (SLT Link if appropriate) to support you during any investigation

5.5 Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:

- keep you informed about the progress of the investigation
- inform the Investigating Officer of any further issues you may have
- raise any concerns you have about the conduct of the investigation
- take appropriate steps to support you in the workplace
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern

5.6 The amount of contact between investigating officers and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.7 When any meeting is arranged, you may be accompanied by either:

- a paid official from a recognised trade union/professional association
- an official of a trade union/professional association
- an appropriate work colleague.

. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

5.8 The College accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal and/or confidentiality constraints, you will receive information about the outcome of any investigations and/or proceedings. Sometimes, the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information you do receive about the investigation as confidential.

## **6. DETRIMENT**

The College is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

## **7. HOW THE MATTER CAN BE TAKEN FURTHER**

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us achieve this. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4 of this policy.

## **8. THE RESPONSIBLE PERSON**

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. Within his/her duty to ensure that the College acts lawfully, s/he will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger your confidentiality) and report as necessary to the Governing Board and Principal.

Exmouth Community College is committed to the principle of equal opportunities, regardless of a person's age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation.