

## POLICY STATEMENT

Policy	Whistleblowing Policy
Date Written	7 <sup>th</sup> October 2018
Written by	HR Consultant
Approved by	J Blake
Next major review date	August 2019
Location and disseminations	A copy of the policy can be found, in the college admin office and on the college website.

St George's College promotes an environment where staff can always raise any concerns and be confident that will be dealt with in a sensitive and appropriate manner. The College also recognises that there may be some circumstances where a formal process is needed to ensure that staff can raise more serious concerns which are not covered by other policies.

This policy outlines procedures which are in place in the College to enable any member or staff, volunteer, child or visitor to raise a legitimate concern regarding possible malpractice. In line with the 'Child Protection and Safeguarding Policy' all members of staff, and volunteers, must be mindful of their duties and responsibilities to safeguarding and promote the welfare of students in the college's care. Issues of student welfare must always be of paramount importance.

This whistleblowing policy is intended to demonstrate that:

- The college will not tolerate malpractice of any kind
- The college supports member of its community in raising concerns and any concerns raised under the whistleblowing policy will be investigated thoroughly, promptly and confidentially and the outcome of the investigation will be clearly communicated to the individual.
- The college provides opportunities to raise concerns outside of normal line management.
- All staff should be aware of the importance of suitable conduct and preventing wrongdoing within the college.
- The college will not tolerate victimisations of an individual for raising a disclosure and any victimisation will be treated as a serious disciplinary offence.
- The college will not tolerate any attempts to cover up a wrong doing and the participation in cover-ups or the instructions to cover up are serious disciplinary offences. If a member of staff is instructed to remain silent, cover up or not pursue a complaint, they should seek support from the HR Consultant or a suitable manager.

- The college's disciplinary policy will be invoked should an allegation be proved to being intentionally malicious.

To safeguard the welfare of all members of our community, it is important that all staff think in the mind-set of 'It could happen' and try to think 'What if I'm right?' rather than 'What if I am wrong?'

This policy is designed to appropriately deal with a disclosure made by a member of staff in relation to danger, safeguarding concerns, corruption or unlawful or unethical conduct. Frequent training and advice in whistleblowing is provided as part of the regular Safeguarding and Child Protection training at the college, which takes place at least once a year

### **Qualifying Disclosures**

There are employment legislations which govern the making of disclosures concerning workplace activities and intend to protect employees who whistleblowing on suspected malpractice or unethical activities from being subject to any detrimental treatment following a whistleblow. These disclosures are known as 'qualifying disclosures'. All types of wrongdoing are included whether they are acts committed by fellow employees, faults in procedures or oversights which should be rectified. A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that:

- a criminal offence has been committed, is being committed or is likely to be committed;
- activities or practice which are against college policies have been carried out;
- there has been a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a break of any other legal obligation;
- or concealment of any of the above is being, has been, or is likely to be, committed.

It is not necessary for you to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient. The employee or worker has no responsibility for investigating the matter – it is the College's responsibility to investigate the concerns.

### **Safeguarding**

This policy is intended to support staff in safeguarding students and complying with their statutory obligations in accordance with 'Keeping Children Safe in Education'.

### **Grievances**

This procedure is separate from how to raise a grievance. This policy should not be used to raise a complaint relating to your personal circumstances or employment situation.

### **Confidentiality**

Any member of staff who wishes to make a complaint or raise a concern under the whistleblowing procedure is entitled to have the matter treated in confidence, for as much as is possible. The college makes every effort to keep identities of the staff confidential. If it becomes necessary for the identity to be disclosed, the college will inform the member of staff affected in advance.

It is encouraged that any concerns are raised in writing wherever possible, in order for accurate recorded information to be maintained. The college does not encourage staff to remain anonymous during a disclosure, should an investigation need to take place, an anonymous complaint would make it more difficult to establish whether any allegation is credible. Members of staff who are concerned about potential repercussions from revealing their identity should make this known when they raise a concern. If there is evidence of criminal activity then the police will be informed.

## **Procedure**

This procedure has been created to enable members of staff to express a legitimate concern of suspected malpractice.

A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the School. If you have any genuine concerns related to suspected malpractice affecting any of the School's activities (a whistleblowing concern) you should report it under this procedure.

## **Stage One**

The member of staff should make a disclosure about the suspected malpractice to the HR Consultant. If the HR Consultant is involved on the suspected malpractice, then the member of staff should move directly to stage two.

After a member of staff has raised a concern, the college will:

- Provide information on the nature and progress of any enquiry
- Take action to protect them from any victimisation
- Seek to protect their identity if they do not wish for their name to be disclosed.
- Provide mediation if appropriate.
- Take no action against them for whistleblowing, should an investigation prove the complaint to be untrue.

The college is duty bound to follow up on all concerns raised under the whistleblowing policy. The college will make initial enquires, which may require a meeting with the member of staff who has raised the concern, to decide if an investigation is needed and what form that it should take. For example:

- A concern may be investigated internally.
- It may need to be referred to the LADO (Local Authority Designated Officer)

- Be referred to the police
- Form an independent inquiry

It is also possible for a matter to be resolved without the need for further investigation.

The whistle-blower will receive a written response within seven working days of raising the concern which will acknowledge the concern raised and indicate how the college are seeking to deal with the matter, indicate a timeline for the investigation and final response and state whether any initial enquires have taken place.

If the complaint is not being investigated any further, it will explain the reasons why.

## **Stage Two**

If there is no response within the seven working days or if the HR Consultant is suspected to be involved in the malpractice, the member of staff is entitled to notify the Proprietor. The member of staff can expect a response detailing any action taken within seven days of the Proprietor becoming aware of the disclosure.

## **Stage Three**

If a response is not received within seven days, the member of staff is entitled to notify a member of a relevant and appropriate organisation outside the school, which may include:

- The LADO
- Children's or Adult's Social Care
- The Police
- Health and Safety Executive
- Environment Agency
- The Charity Commission
- The Information Commissioner
- The Department for Education
- The Department for Business, Enterprise and Regulatory Reform
- The Independent Schools Inspectorate

In more extreme circumstances, a member of staff has the right to raise a concern directly with an outside body without following the above stages. This may damage the college's reputation as well as breach the member of staff's duty of confidentiality towards the college. This action should only be taken after careful thought.

The College believe that extreme circumstances exist where you have a reasonable belief that:

- The college will subject you to detrimental treatment.
- A cover-up is being mounted by the college
- A previous disclosure did not receive a satisfactory response.
- There is immediate danger to the welfare of a child and you have reason to believe that procedures under the safeguarding policy will not be appropriate.

Even where extreme circumstances are thought to exist, you should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and / or where your concern is disclosed for personal gain, the college may consider this to be gross misconduct and immediate disciplinary action may be taken against you. In cases where the claims prove to be false and intentionally malicious, the college may pursue legal action against you.

### **Protection from Repercussions or Victimisation**

Provided that this procedure is followed correctly, the member of staff will not be subject to any detriment as a result of reporting malpractice. However, failing to follow this procedure may jeopardise the protection offered by this procedure. If any member of staff has any queries about this procedure, please should contact the HR Consultant.

### **Further Advice and Support**

It is recognised that whistleblowing can be difficult and stressful. Advice and support is available from the HR Consultant, the college DSL and/or your professional body or trade union.