

# Callington Community College

## Whistleblowing Policy



Date for Review: Autumn 2019

### 1. INTRODUCTION

1.1 Employees are often the first to realise that there may be something seriously wrong with their College. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrong doing at work.

1.2 The College governing body are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns about any of the governing body's work to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals. The Whistleblowing Policy is intended to encourage and enable employees to raise such concerns.

1.3 This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act 1998.

1.4 The procedure allows College-based employees to raise concerns about the management of the College with the governing body and to raise concerns about the governance of the College with named LA officers (APPENDIX 2).

### 2. AIMS AND SCOPE OF THIS POLICY

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. If workers bring information about a wrongdoing to the attention of their employers or a relevant organisation, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. This is commonly referred to as 'blowing the whistle'. The law that protects whistleblowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation

- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above

Further examples are provided at Appendix 1.

2.3 The procedure will be communicated to all College employees as well as agency workers and supply teachers working in Colleges on a temporary basis.

### **3. SAFEGUARDS**

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

The governing body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The governing body will not tolerate harassment or victimisation and will act to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern, you should refer to the College's Harassment and Bullying Policy and Code of Practice. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

#### **3.2 Confidentiality**

The governing body will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

#### **3.3 Anonymous Allegations**

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the governing body.

In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

- The seriousness of the issues raised;
- The credibility of the allegation; and
- The likelihood of confirming the allegation from attributable sources.

#### **3.4 Malicious or Vexatious Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you in accordance with the College's Disciplinary Procedure.

### **4. HOW TO RAISE A CONCERN**

4.1 As a first step, you should normally raise concerns with your immediate line manager or Principal. This depends, however, on the seriousness and

sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach your Head. If you feel the Principal may be involved, your Chair of Governors.

4.2 If the concern is about the governing body or the LA, the matter should be raised with the LADO.

4.3 Advice and guidance on how matters of concern may be pursued can be obtained from:

- Your line manager;
- The Principal;
- The Chair of Governors
- The Trust Board.

4.4 Concerns are better raised in writing. You are advised to set out background and history of your concerns, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or arrange to meet an appropriate LA Officer who will agree a written statement with you. If you are a member of a trade union, you may find it helpful to take advice from them about putting your concerns in writing.

4.5 You may ask your trade union representative to raise the matter on your behalf.

4.6 The earlier you express your concern, the easier it is for the Principal, the governing body or the LA to take action.

4.7 The Chair of Governors or any LA Officer receiving a concern will, if appropriate, also report it to the Monitoring Officer for Cornwall County Council. This is because the Monitoring Officer has a statutory duty to consider any issue that has, or may, result in the Council being in contravention of the law or a code of practice.

4.8 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 initial enquiries to be made.

## **5. HOW THE GOVERNING BODY OR LA WILL RESPOND**

5.1 The action taken by the governing body or LA will depend on the nature of the concern.

The matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to an external Auditor;
- Form the subject of an independent enquiry.

5.2 In order to protect individuals, the governing body and the LA, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the

scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.3 Some concerns may be resolved by agreed action without the need for an investigation.

5.4 Within ten working days of a concern being received, the governing body or the LA will write to you:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matters;
- Giving an estimate of how long it will take to deal with the matter;
- Telling you whether any initial enquiries have been made; and
- Telling you whether further investigations will take place, and if not, why not.

5.5 The amount of contact between the governors or LA Officers considering the issues 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.

5.6 When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a work colleague who is not involved in the area of work to which the concern relates and who also who could not be called as witness.

5.7 The governing body or LA will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the governing body or LA will advise you about the procedure.

5.8 The governing body and the LA accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.

5.9 Any person who is subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

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

6.1 This policy is intended to provide you with an avenue to raise concerns with your governing body or with the LA. The governing body and the LA hopes you will be satisfied. If you are not and you feel it is right to take the matter outside the Council, the following are possible contact points:

- Your local Council member;
- Ombudsman;
- External Auditor;
- Relevant professional bodies or regulatory organisations;
- Your solicitor;
- The Police;

- Other bodies prescribed under the Public Interest Disclosure Act 1998 that include: *The Audit Commission for England and Wales, Data Protection Registrar, Serious Fraud Office, Environment Agency and the Health and Safety Executive.*

6.2 If you do take the matter outside your governing body, LA or Council you need to ensure that you do not disclose confidential or privileged information. Where confidential or privileged information is inappropriately disclosed you may be subject to disciplinary action. Employees considering such action should make themselves aware of Part IVA of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998.

**6.3. If you have any concerns about a child in the College, you should raise this using the safeguarding procedures.** If the concern is about the designated safeguarding lead it should be raised with the Principal. However, if you believe that your concern won't be dealt with properly or may be covered-up or If you've raised a concern but it hasn't been acted upon then your concern can be raised with the LADO for Cornwall (01872 326536) or through the NSPCC Whistleblowing Line (0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

## **7. THE MONITORING OFFICER**

7.1 Where a concern is dealt with in College, the Chair of Governors will carry out the functions of the Monitoring Officer. The Chair of Governors will report as necessary to the governing body rather than the council, in a form that endeavours to maintain your confidentiality as far as possible. However, if the concern is about the governing body it should be reported to an LA Officer, who in turn will report it to the Monitoring Officer for Cornwall County Council.

## **8. REVIEW**

8.1 This policy will be reviewed and monitored on a bi-annual basis.

## **APPENDIX 1**

### **EXAMPLES OF CONCERNS**

This list illustrates the kind of issues the Council would consider as malpractice or wrongdoing that could be raised under this whistle blowing policy. Reference should also be made to the Disciplinary Rules for Schools. However, neither list is exhaustive.

- Poor or unprofessional practice by a member of staff, governor or an agency which results in the service user not getting the same quality of service which is available to others;
- Improper/unacceptable behaviour towards a service user which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- Any unlawful activities, whether criminal or in breach of civil law;
- Fraud, theft or corruption;
- Concerns regarding possible breaches of Health and Safety Regulations;
- Concerns about safeguarding systems or procedures.
- Harassment, discrimination, victimisation or bullying of employees and/or service users;
- Leaking confidential information in respect of Governing Body or Council activities and/or records;
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time;
- Inappropriate contact with members of the public within council or College facilities, or whilst carrying out governing body duties and/or Council duties or outside working time;
- Taking gifts or inducements;
- Inappropriate use of external funding or College budget;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any Statutory Code of Practice;
- Breach or failure to implement or comply with any Governing Body policy;
- Misuse of Council/College assets, including computer hardware and software, buildings, stores, vehicles.