



**COUNTESTHORPE LEYSLAND
COMMUNITY COLLEGE**

**WHISTLEBLOWING POLICY
2019 - 2020**

*Policy Reviewed and Adopted by the Governing Board on:
Signed (Chair of Governors):
Date of Next Review:
Responsible Officer:*

Whistleblowing - How to raise issues which cause you serious concern

Rationale

Countesthorpe Leysland Community College is committed to the highest possible standards of openness, probity and accountability and employees and others are encouraged to raise any concerns about any aspect of the College's work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within the College rather than over-looking a problem or raising the matter outside.

It applies to all employees, agency workers and those contractors working on College premises, for example, peripatetic teachers, builders and drivers. It also covers suppliers and those providing services under a contract with the College in their own premises.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

Purpose

This procedure aims to ensure individuals are:

- Encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provided with avenues to raise concerns and receive feedback on any action taken
- Given a response to their concerns and are aware of how to pursue them if not satisfied
- Reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying.

This procedure is intended to cover concerns that fall outside the scope of other procedures, including:

- Conduct which is, has been or is likely to be an offence or breach of law
- Conduct which has occurred, is occurring or is likely to occur, as the result of which the College fails to comply with a legal obligation, for example, unauthorised use of public funds, possible fraud and corruption, other unethical conduct or discrimination of any kind, or wasteful/frivolous expenditure
- Disclosures related to past, current or likely miscarriages of justice
- Past, current or likely health and safety risks or safeguarding risks, including risks to the public as well as other employees (see below) and students
- Past, current or likely damage to the environment.

Concerns about any aspect of service provision, possible financial malpractice, or the conduct of employees or others acting on behalf of the College can be reported under the Whistleblowing Policy.

This may be about something that the individual:

- Feel uncomfortable about in terms of known standards, your experience or the standards you believe the College subscribes to, or
- Is against the College's procedures and policies, or
- Falls below established standards of practice, or
- Amounts to improper conduct.

Implementation (Roles and Responsibilities)

All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if they are required to come forward as a witness.

Whenever possible the individual should put their name to the allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at the College's discretion.

In exercising the discretion, the factors to be taken into account would include:

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

If an allegation is made in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

Concerns can be raised verbally or in writing including email. However, where email is used, the individual must ensure all aspects of the College's Acceptable Use Policy including Data Protection requirements are maintained. If a matter is raised verbally, the individual may be requested to make a written statement at a later stage depending on the circumstances. Therefore, it is important for a record to be kept of when the complaint was submitted and to whom, including detail as outlined below for a concern raised in writing.

A concern raised in writing should:

- Set out the background and history of the concern, giving names, dates and places where possible
- Give the reason why there is a particular concern about the situation.

The earlier a concern is raised the easier it is to take action. Although the individual is not expected to prove beyond doubt the truth of an allegation, they need to demonstrate to the person contacted that there are sufficient grounds for the concern. A Trade Union or Professional Association may raise a matter on behalf of an employee.

Whenever possible the concern should be raised with the immediate line manager or his/her line manager.

If this is not appropriate, the individual should approach the Principal.

Please note that if a serious concern about the Principal needs to be raised, the person to approach is the Chair of Governors.

The action the College takes will depend on the nature of the concern. The matters raised may:

- Be investigated internally in accordance with the College's procedures
- Be referred to the External Auditor
- Be referred to a Trade Union representative
- Be referred to the Police
- Be referred to the DfE
- Form the subject of an independent inquiry.

In order to protect individuals and the College, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

The amount of contact between the investigating officer(s) considering the issues and the individual raising the concern 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.

When any meeting is arranged, the individual will have the right to be accompanied by a Trade Union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

The College will take steps to minimise any difficulties the individual may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the College will advise or arrange for them to have advice about the procedure.

The College will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

The College accepts that the individual will need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

This procedure is intended to provide individuals with an avenue to raise concerns within the College. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Relevant professional bodies or regulatory organisations eg External Auditor
- DfE / EFA
- A solicitor
- The Police.

If a matter is taken outside the College, all reasonable steps must be taken to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named College contacts.

The Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information:

- An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure
- The dismissal of any Countesthorpe Leysland Community College employee directly due to the individual having made such a disclosure will automatically be unfair.

The Act does not protect anyone who is acting maliciously, making false allegations to who is seeking personal gain.

Employees who are the subject of concerns raised

The subject of a complaint under this procedure will be investigated in accordance with the appropriate disciplinary procedure. The subject of a complaint will have all the rights contained in the procedure such as representation at the investigatory interview.

Links to other Policies/Documents

This policy pertains to all areas of the College's work and responsibilities. See above for areas where different College policies apply – such as grievance issues, child protection issues.