

Great Oaks College Whistleblowing policy

Person Responsible: Nickyie Thomas

Date of Policy: November 2020

Next Review Date: November 2021

The purpose of the Whistleblowing Policy is

- to provide staff with a clear and safe route for reporting concerns
- to gather information about concerns and, once investigated, to determine whether further action needs to be taken.

If further action is necessary, this will be conducted under the appropriate employment or college policy (Safeguarding, complaints etc.) and not under the Whistleblowing Policy.

Duty to Report

It is the duty of all employees of the College to raise any concerns about known, or possible, wrongdoing through this Policy.

Protection for Employees

The Board of Trustees and College Leadership Team are committed to this Policy. Staff who reasonably raise a concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result.

Providing employees who raise a concern have good reason to believe that that wrongdoing is occurring and are acting in good faith, it does not matter if they are mistaken.

If a person is victimised for having raised a concern, this will be treated as misconduct and may lead to disciplinary action being taken against the perpetrator.

When should the Policy be invoked?

If an employee has a concern about possible wrongdoing at work, they should report it under this Policy. 'Wrongdoing' covers a wide range of matters including: criminal offences, failure to comply with legal obligations, miscarriages of justice, financial maladministration, endangering the health or safety of individuals and damage to the environment.

Where staff are aggrieved about issues directly affecting them, they should use the College's Grievance Procedure to pursue their concerns.

Who does the Policy apply to?

This Policy applies to all staff of the College. This will therefore include employees, agency workers, contractors etc.

Legislation

The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide staff with further protection from detriment and dismissal for reporting concerns. Employees must comply with this legislation, particularly as regards the nature of the information given and the person or body to whom it is being reported, in order to receive protection.

Financial Irregularities

Please see the Great Oaks College Anti-Fraud policy

Confidentiality

All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly. A commitment is given to maintain confidentiality as far as is practicable.

Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of any person who reasonably raises a concern under this policy. Should there be any exceptional circumstances where the whistleblower's identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.

Any breaches of confidentiality may be considered under the Disciplinary Policy.

How to Raise a Concern

1. Staff who have a concern about wrongdoing should first raise it with a member of the College Leadership Team. If the employee has any personal interest in the matter, s/he should disclose this at the outset.
2. If staff feel unable to raise the matter with a member of the College Leadership Team, for whatever reason, then the concern should be raised with The Chair of Trustees Killian O'Sullivan, kosullivan@greatoakscollege.com

Staff who feel unable to raise a concern with one of the people listed above may wish to disclose the matter to a prescribed regulatory body. In doing so, staff must be acting in good faith and have a reasonable belief that the matter is true.

The full list of prescribed regulatory bodies is set out in the 'Public Interest Disclosure (Prescribed Persons) Order' 1999 or as amended <http://www.opsi.gov.uk/si/si1999/19991549.htm>

The Response

If the person to whom the concern is notified ("the recipient") is a member of the College Leadership Team, then he/she will assess the concerns and determine whether or not an investigation is appropriate. If it is decided that the matter will be investigated, then he/she (in consultation with the Head of College/Executive Headteacher) will decide whether to carry out the investigation him/herself or delegate the role of investigation manager to another appropriate person. Where the investigation is delegated to someone else, the investigation manager will be provided with a factual report but the identity of the whistleblower will not be disclosed without the whistleblower's consent.

When an issue is reported outside the College Leadership Team, the recipient will assess the concerns and determine whether or not further investigation is appropriate. Where further action is required, the recipient will send a factual report to the Headteacher (if the Headteacher is the subject of the

complaint on occasions it may be more appropriate that the report is sent to the Chair of Trustees). The identity of the whistleblower should not normally be disclosed to the Headteacher/Chair of Trustees without the whistleblower's consent. If the Headteacher (or Chair) is notified of the identity of the whistleblower and the role of investigating manager is delegated to another person, the identity of the whistleblower will not be disclosed to the investigating manager without the whistleblower's consent.

If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of their identity. This seeks to preserve the anonymity of the whistleblower while the concerns are investigated.

In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g. the Police

Investigation

The investigating manager must have had no involvement in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.

Should any further information be required from the whistleblower, the investigating manager will discuss this with the named contact who will be responsible for contacting the whistleblower.

Conclusion

At the conclusion of the investigation, the manager may wish to make recommendations or there may be action required under other employment policies.

Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying the Headteacher or Chair of the Trustees as appropriate.

Where action under the Disciplinary Policy is recommended, the investigating manager will present the management case at the Disciplinary Hearing.

Notification

The investigating manager must forward a copy of their report to the person who referred the case to them, along with a note of any further action proposed.

Contact with the Whistleblower

Once an individual has reported a concern, there should not be a need for any further input from them during the process.

The person to whom the whistleblower raises the concern should consider whether further support for or liaison with the whistleblower is appropriate and take any steps necessary.

The whistleblower will be provided with any feedback on the final outcome which is appropriate. This may mean that the whistleblower does not receive any feedback beyond an acknowledgement that their concerns are being considered.

Allegations Not Made in Good Faith

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action.

Anonymous Reports

Whistleblowers are encouraged to give their name when raising a concern. The identity of whistleblowers will be protected. A concern expressed anonymously is often more difficult or impractical to investigate thoroughly. Consequently, anonymous reports will be considered at the discretion of the person to whom the matter is reported.

Raising a Concern Externally

The College strongly discourages staff from raising concerns externally in the first instance and instead wishes to foster confidence in the internal reporting

However, the College would prefer that employees raise issues with an appropriate external contact than not at all. If staff choose to follow this route then, providing that they have a reasonable belief, are acting in good faith and have evidence to back up their concern, they may wish to contact one of the following:

- a relevant prescribed regulatory body
- the Police

Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act.

Confidential Helpline

Public Concern at Work is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If employees are unsure about whether or how to raise a concern, or if they want confidential advice, they can contact Public Concern at Work. Their lawyers offer free, confidential advice to callers.

Monitoring

A report of whistleblowing monitoring information will be presented to the Board of Trustees on an annual basis.

If Staff Are Dissatisfied

Whilst the College cannot guarantee that, it will respond to all matters in the way which staff reporting them may wish, it will endeavor to handle matters fairly and properly.

If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, they can refer to the other levels and named bodies within this procedure.

Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy have the right to lodge a grievance under the College's Grievance Policy.

For information on the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 visit the Office of Public Sector Information website at: <http://www.opsi.gov.uk>

For further information about Public Concern at Work please visit their website at: <http://www.pcaw.co.uk/index.html>. Their telephone number is 020 7404 6609. To access their confidential helpline please call their main number or email them at helpline@pcaw.co.uk