

### Great Oaks College Whistleblowing policy

Person Responsible:	Richard Murr – Deputy Principal
Date of Policy:	September 2024
Next review date:	September 2027

#### Rationale

The whistle blowing policy is intended to encourage and enable employees to raise serious concerns within the college. Although this can be difficult this is particularly important where the welfare of vulnerable adults may be at risk. Remember it is often the most vulnerable adults who are targeted.

#### Aims

- allow workers (staff, volunteers, visitors) to feel confident in raising serious concerns and to question and act upon concerns about practice
- Identify avenues for workers to raise those concerns and receive feedback on any action taken
- Ensure that workers receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure workers that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety

#### Objectives

##### Examples of areas covered

This policy is intended to cover areas of concern, such as:

- that a criminal offence has been committed, is being committed, or is likely to be committed (e.g. sexual, mental or physical abuse of students or workers)
- that a person has failed or is likely to fail to comply with any legal obligation to which they are subject (eg. a breach of procedures and regulations set by examination boards/awarding bodies)
- that a miscarriage of justice has occurred, is occurring, or is likely to occur
- that the health and safety of any individual has been, or is being, or is likely to be endangered
- that the environment has been, is being, or is likely to be damaged
- the deliberate concealment of information tending to show any of the above types of wrongdoing
- the unauthorised use of public funds including action which may breach financial regulations (e.g. fraud, bribery and corruption).

This policy is not intended to replace the college's grievance and disciplinary policy or other established procedures, however may lead to those being initiated.

##### How to raise a concern

As a first step, you should normally raise concerns, either verbally or in writing, with the Principal ([nthomas@greatoakscollege.com](mailto:nthomas@greatoakscollege.com)) or [if the Principal has caused the concern or has failed to take appropriate action], the chair of the College Board ([kosullivan@greatoakscollege.com](mailto:kosullivan@greatoakscollege.com)). Any concern should be raised at the earliest opportunity possible.

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>

As much information and as many facts as possible should be supplied, including dates, times and names. Although you will not be expected to provide conclusive proof of the allegation, you will need to demonstrate to the person contacted that you have reasonable grounds for your concern. It has been successfully argued in a number of high-profile employment tribunals that sufficient qualifying information must be provided – it is not enough to make broad-natured or vague allegations. You are encouraged to put your name to the allegations whenever possible.

Concerns expressed anonymously may be considered at the discretion of the Principal or chair of Board. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns identified
- the likelihood of confirming the allegation from a credible source
- whether the details provided contain sufficient and qualifying information to allow the matter to be investigated

### **How the college will respond**

An initial assessment will be made by the Principal or chair of the college board to determine whether the concerns which have been raised warrant any action on the part of the college. Such an assessment may include a preliminary investigation. Some concerns may be resolved by agreed action without the need for investigation.

Where the concerns justify further action, the matter will be referred to a designated person who will follow the appropriate procedure, eg:

- a disciplinary investigation
- referral to the local authority audit team
- informing the police
- referring to the local authority designated officer for safeguarding issues.

Within five working days, the person with whom the concern has been raised will write to the worker:

- acknowledging that the concern has been received
- indicating how the college proposes to deal with the matter
- informing whether further investigations will take place, and if not, why not
- giving an estimate of how long it will take to provide a final response
- providing information on staff support facilities.

The amount of contact between the person considering the issues and the worker will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the college will seek further information from the worker. Any meeting arranged for these purposes may be offsite, if requested.

The college accepts that all workers need to be assured that the matters will be properly addressed. Subject to legal constraints, workers who have raised the concern will be informed of the outcomes of any investigation, to an extent which does not prejudice the right to confidentiality of others concerned.

### **Protection for whistleblowers**

The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss a worker on the grounds that they whistle-blew and made a 'protected disclosure' (i.e. a disclosure made with a reasonable belief that there has been a serious malpractice or impropriety). Compensation in these circumstances is unlimited.

In order for a worker to be protected under this legislation they must take reasonable steps to raise the matter internally first before going outside the organisation to raise their concern.

Following a number of legal cases, it was legislated that on and after 25 June 2013, qualifying disclosures were no longer required to be made in good faith but only on the grounds that there was reasonable belief that the disclosure is made in the 'public interest' – in other words, whether the person making the qualifying disclosure genuinely believed, at the time, that whistle-blowing was in the 'public interest' and that, at the time, the belief in the qualifying disclosure was reasonable. That said, 'public interest' does not have to be the sole or even predominant whistle-blowing motive.

If a whistle-blowing allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken against the whistle-blower. Similarly, any attempt to victimise anyone who has whistleblown is also likely to be dealt with under the College's Disciplinary Procedure.

### What should you do if the college does not deal with your concerns?

A whistleblower who makes a 'protected disclosure', such as those set out above, is protected provided that:

- they reasonably believe that the information disclosed, and any allegation contained in it, is substantially true
- they do not make the disclosure for purposes of personal gain
- at the time of the disclosure, they reasonably believe that they will be subject to a detriment by their employer, or relevant evidence will be concealed or destroyed, if they make a disclosure to their employer
- in all the circumstances of the case, it is 'reasonable' for them to make the disclosure.

### Making a disclosure outside the college

Making a disclosure outside the college is more likely to be 'reasonable' if it is made to a person or body that has appropriate jurisdiction. This might include:

Nature of Concern	Relevant External Body
Criminal activity	Police
Exam Malpractice	The awarding body/Ofqual
Environmental Damage	Environmental agency
Financial Irregularities	Local Authority audit department
Serious misconduct of a teacher	Teaching Regulation agency
Health and safety	Health and Safety executive
Income tax/vat	HMRC
Building Regulation	Local Authority planning department
Depending on the circumstances, other appropriate bodies may include:	
Ofsted	
Secretary of state	
DFE	

### You may also seek confidential external advice from:

- your trade union or professional association
- the Citizens Advice

- Protect (formerly Public Concern at Work), a charity established in 1993 that offers free confidential advice to people concerned about crime, danger or wrongdoing at work – they can be contacted on 0203 117 2520 (option 1).

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them. General guidance on whistleblowing can be found via: [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### 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 endeavour 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](mailto:helpline@pcaw.co.uk)

Approved by Board of Trustees	
Print Name	Killian O'Sullivan
Sign	
Date Agreed	21st October 2024