



Whistleblowing Policy

Mission Statement

St John Rigby College is a Catholic College dedicated to the education and development of the whole person and supporting all students to realise their full potential. In becoming an outstanding learning organisation SJR will have a strong sense of purpose and a commitment to shared values within a Christian community. We will provide a unique and challenging environment where every individual is valued, talents are recognised and nurtured, achievements are celebrated and dedication is rewarded. To achieve this as a community we will:

- Welcome all students who are happy to be educated within a Christian environment
- Value the uniqueness and dignity of each individual
- Provide the highest standards of teaching and learning
- All show a commitment to our work and the Christian values of the College
- Provide equality of opportunity, with mutual respect and positive encouragement
- Build and further develop local, national and international partnerships

Core values in daily life at St John Rigby College are expressed as:

- Genuine concern for others
- Support for and challenge of one another
- High standards and expectations
- Consistency and perseverance
- Recognition of talents, progress and achievements

Policy Statement

This Whistleblowing Policy was introduced following the recommendations of Lord Nolan which state that:

‘Local public spending bodies should institute codes of practice on whistleblowing, appropriate to their circumstances, which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation.’

The College has based its Whistleblowing Policy on the recommendations of the Nolan Report. Lord Nolan’s recommendations state that a whistleblowing policy should include the following elements:

- a. A clear statement that malpractice is taken seriously in the organisation and an indication of the sorts of matters regarded as malpractice;
- b. Respect for the confidentiality, should it be requested, of staff raising concerns;
- c. The opportunity to raise concerns outside the line management structure;
- d. Penalties for making false and malicious allegations;
- e. An indication of the proper way in which concerns may be raised outside the organisation if necessary.

None of the statements contained within this Policy are intended to restrict or exclude the operation of any mandatory statutory protection afforded to individuals in connection with the disclosure of information. However, where there is any conflict between the provisions of this Policy and non-mandatory statutory protection, the provisions of this Policy shall prevail.

Definition of Whistleblowing

There is no legal definition of 'Whistleblowing' either within European Community law or UK law. The term 'Whistleblowing' was previously used when an employee (or ex-employee) publicly discloses wrong doing within an organisation. Such wrong doing can include fraud and financial irregularities, serious maladministration arising from the deliberate commission of improper conduct, unethical activities which may be of a criminal nature and dangerous acts or omissions which create a risk to health, safety or the environment. It does not include mismanagement, which may arise from, for example, weak management rather than malpractice. Lord Barrie QC has defined whistleblowing as, "... The disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his fellow employees."

"The Nolan Committee has used the term 'Whistleblowing' to mean the confidential raising of problems within an organisation or within an independent review structure associated with that organisation, not in the popular pejorative sense of leaking information to the media. Both the First and Second Nolan Reports are consistent with the Government's position, which accepts the need for procedures whereby staff can raise issues of concern and conscience."

The College has based its Whistleblowing Policy on the definitions quoted above.

Scope

Malpractice includes the following examples:

- Fraud
- Financial irregularities
- Corruption
- Bribery
- Dishonesty
- Criminal activities
- Creating or ignoring a serious risk to health, safety or the environment
- Acting contrary to the regulations of Awarding Bodies.
- Maladministration

Employees should note that:

- I. Safeguarding concerns should be reported to the Designated Safeguarding Lead (DSL) in accordance with the Safeguarding and Child Protection Policy
- II. The Whistleblowing Policy is not to be used for the raising of private grievances about their personal employment situation.

Confidentiality

Any member of staff who raises a concern, has the right to have the matter treated confidentially and for their name to remain undisclosed to the alleged perpetrator. The employment rights of whistleblowers will be protected.

In order to encourage employees to raise a legitimate concern without fear of the confidentiality of the matter being accidentally 'leaked' in any way, employees have the right to raise the concern orally with the HR Officer. Should she/he prefer, and if she/he is a member of a trade union or staff association, she/he may report the matter to

her/his trade union representative or other representative, who may then raise the matter on her/his behalf. In all cases the concern should be raised with the HR Officer or, in the case of the HR Officer's absence, with a relevant member of the College Management Team. A commentary (which should not identify the whistleblower) should be made by the person hearing the concern. The member of staff who takes the commentary, should obtain the agreement of the whistleblower that the record is complete and accurate.

If a subsequent investigation shows on the balance of probability that the allegation was malicious, the right to confidentiality will no longer apply.

Investigating Officers

On receipt of an allegation of malpractice, the member of staff who receives and/or takes a commentary of the allegation, must pass this information as soon as is reasonably practicable, to the appropriate designated investigating officer, identified as follows:

- The Vice Principal (Curriculum and Quality) will investigate allegations of malpractice unless the allegation is against the Vice Principal (Curriculum and Quality), is in any way related to the actions of the Vice Principal (Curriculum and Quality) or is of a financial nature. In such cases, the allegation should be passed to the Principal to nominate an alternative member of the SLT to act as the investigating officer.
- Complaints against the Principal, as the designated senior postholder, should be passed to the Chair of the Governing Body who will nominate an appropriate Governor as investigating officer.
- The whistleblower has the right to bypass the line management structure and to make their allegation direct to the Chair of the Governing Body. The Chair of the Governing Body has the right to refer the allegation back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the allegation.

Details of how to contact the Chair of the Governing Body can be obtained from the Clerk to the Governors.

If there is evidence of criminal activity then the investigating officer should consult with the Principal to determine whether the College should inform the police/local authority and halt internal investigations pending the outcome of any external enquiry. The College should ensure that any investigation does not hinder a formal police investigation. In all cases of reference to external agencies, the Principal will inform the Chair of Governors.

Timescales

Due to the varied nature of malpractice allegations, which may involve internal auditors and the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer should, as soon as practically possible, send a written acknowledgement of the allegation to the whistleblower and thereafter report back to them in writing the outcome of the investigation and the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the whistleblower informed in writing as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the whistleblower should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow the following steps:

- Full details and clarification of the allegation should be obtained via a written commentary.
- The investigating officer should consider the involvement of the auditors and the Police at this stage and should consult with the Chair of the Audit Committee concerning the involvement of the Auditors and the

Police. The Audit Committee has the responsibility for instructing the Auditors to undertake special investigations.

- The investigating officer should inform the member of staff against whom the allegation is made as soon as is practically possible, normally by sending a commentary detailing the allegations to the home address. The member of staff will be informed of their right to be accompanied by a work colleague or Trade Union representative at any future interview or hearing held under the provision of these procedures.
- The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other bodies as listed above.
- A judgement concerning the allegation and validity of the allegation will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Principal or Chair of Governors as appropriate.
- If the allegation is against a member of staff who is not a designated senior member of staff, then the Principal will decide what action to take. If the allegation is shown to be justified, then the Principal will invoke the disciplinary or other appropriate College procedures.
- If the allegation is against a designated senior member of staff but not the Principal, then the Principal together with the Chair of Governors, will decide what action to take. If the allegation is shown to be justified, then the Principal will invoke the disciplinary or other appropriate College procedures.
- If the allegation is against the Principal, then the Chair of Governors will decide what action to take. If the allegation is shown to be justified, then the Chair of Governors will invoke the disciplinary or other appropriate College procedures.
- The whistleblower should be kept informed of the progress of the investigations and of the final outcome.
- A copy of the outcomes should be passed to the Chair of the Audit Committee to enable a review of the procedures by the Audit Committee.

Access to the Governing Body and External Bodies

If the whistleblower is not satisfied that their allegation is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair of the Governing Body.

If the Governing Body finds the allegations unsubstantiated and all internal procedures have been exhausted, but the concerned employee is not satisfied with the outcome, then the concerned employee has the right to access to an appropriate official external body.

Malicious Accusations

Deliberate false or malicious allegations will be treated as gross misconduct and dealt with under the Staff Disciplinary Policy.

Appeals Procedure

Appeals against the decisions of the Principal or Governing Body, will be processed as per the procedures contained within the disciplinary (or other appropriate College) procedures invoked in the Investigating Procedure section. Copies of these documents can be obtained via the Staff Information System or from the HR Manager.

Related Policies:

- Capability Policy - Performance
- Grievance Procedure
- Preventing Extremism and Radicalisation Policy
- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Staff Disciplinary Policy
- Suspected Malpractice in Examinations and Assessments Policy