



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. As an outstanding learning organisation SJR will have a strong sense of purpose and a commitment to shared values within a Christian community. We will establish a unique, safe 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
- Deliver the highest standards of teaching and learning
- All show a commitment to our work, to the Christian values of the College and to the safety of all in our community
- 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.

Statement of intent

St John Rigby College is committed to open and honest communication and ensuring the highest possible standards in integrity and will always treat whistleblowing as a serious matter.

In line with the College's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the College. This is known as "blowing the whistle", a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the College's Data Protection Policy.

1 Legal framework

1.1 This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

1.2 This policy has been created with regard to the following guidance documents:

- GOV.UK (2015) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'
- DfE (2014) 'Whistleblowing procedure for maintained schools'

2 Introduction

2.1 The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.

2.2 The Prescribed Persons Order 2014 sets out a list of over 60 organisations and individuals that an employee may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with their sector, often as a regulatory body. Please see section 14 of this policy. An up-to-date list can be found here:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

2.3 Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

2.4 The Principal is the first point of contact for whistleblowing queries. If the allegation is related to the Principal, the concern should be raised with the Chair of Governors via the Clerk to the Governors.

2.5 Any member of the College community or the general public is able to "blow the whistle"; however, the PIDA only protects employees. Section 7 includes further details on how whistleblowing affects non-employees.

2.6 The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that anyone reporting a suspected wrongdoing, or 'qualifying disclosure' keeps the matter confidential and declares any personal interest in the matter, since the policy is designed to be used in the interest of the public and not for individual matters.

3 Definitions

3.1. **Whistleblowing:** Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

3.2. **Qualifying disclosures:** As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- a criminal offence has been committed, is likely to be committed or is being committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- a miscarriage of justice has occurred, is occurring or is likely to occur

- the health or safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

3.3. **In the public interest** means that an individual acted outside of their own personal interest, they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- the number of people in the group whose interests the disclosure served
- the nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- the nature of the wrongdoing disclosed
- the identity of the alleged wrongdoer

3.4. **Blacklisting** refers to an individual who is being refused work because they are viewed as a whistle-blower.

3.5. **Grievances** involve someone filing a complaint because they personally have been mistreated in some way, the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

4 Roles and responsibilities

4.1. The Governing Body will be responsible for:

- establishing and agreeing the whistleblowing procedure
- monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation
- ensuring all members of the College community have access to this policy
- investigating, in liaison with the Principal, any concerns that are raised
- ensuring this policy provides an open and transparent framework where members of the College community can raise their concerns
- taking the necessary action against members of staff following an investigation that shows proven malpractice
- ensuring that the minutes of the Governing Body include a record of the College's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to
- The Chair of Audit will be the point of contact with the College regarding any concerns raised under this policy.

The Audit Committee of the Governing Body will review this policy every two years or as required.

4.2. The Principal will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by the College community.
- Being the first point of contact regarding whistleblowing.
- Informing the Chair of Audit that a concern has been raised under this policy.

4.3 The Chair of Governors will be responsible for receiving any concerns raised about the Principal.

4.4. All members of the College community will be responsible for:

- Raising any concerns that meet the definitions of 3.2 and 3.3 of this policy.
- Being truthful and reasonable with any concerns that they have.

- Not raising malicious or unfounded concerns.

5 Scope

5.1 This policy will:

- Give confidence to members of the College community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with College standards and policies.
- Provide members of the College community with avenues to raise concerns.
- Ensure that members of the College community receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

5.2 This policy should not be confused with the procedures on dealing with Bullying and Harassment at Work, the College Staff Grievance or the Staff Disciplinary Procedures.

5.3. Under this policy, any of the following can raise a concern:

- Employees of the College
- Employees of contractors working for the College, for example, agency staff, caterers, builders and drivers
- Employees of suppliers
- Voluntary workers working with the College
- A trainee, such as a student teacher
- Students and parents
- The wider community
- Governors

6 Harassment and victimisation of staff

6.1. The College recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the College as a whole. However, the College will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

6.2 Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

6.3. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the College's Anti-Harassment & Bullying policy and Staff Disciplinary Policy and Procedure.

7 Non-employees

7.1. The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned.

Space added

7.2 Irrespective of 7.1, the College will not tolerate harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

7.3 Where an individual believes that they have been unfairly treated following blowing the whistle, they should make a complaint under the College's Complaints Procedures Policy.

7.4 Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

8 Good practice principles

8.1 The College will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

8.2 The College will implement a culture of change by ensuring the following principles are reflected in our ethos and values, there will be a culture:

- of safety in the College
- where people feel confident with raising concerns
- free from bullying
- of visible leadership
- of valuing staff
- of reflective practice

8.3. By providing a clear procedure for mediating and resolving cases, as outlined in section 9, the College will ensure that all cases are efficiently handled. This procedure includes:

- how to raise and report concerns
- how investigations will be conducted
- how the College will mediate and resolve disputes

8.4. The College will implement measures to support good practice by ensuring adherence to the following principles:

- offering relevant training to staff
- providing the necessary support to staff
- providing support to staff who are seeking alternative employment
- being transparent
- being accountable
- conducting an external review of any concerns raised, where necessary
- undertaking regulatory action as required

8.5. The College will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
- ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- ensuring staff are empowered and protected, enabling them to raise concerns freely

9. Reporting Procedure

9.1. When raising concerns, individuals are asked to express them in writing to the Principal.

9.2. If an individual is raising a concern about the Principal, they should express their concerns in writing to the Chair of Governors via the Clerk to the Governing Body. Where this is the case, the Chair of Governors, or his/her appointed Governor, will take on the Principal's duties outlined in section 10.

9.3. When individuals raise their concern, they will include the following information as far as possible:

- the background and history of the concern

- any relevant names, including potential witnesses, dates and places
- the reasons for the concern

9.4. The College encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

9.5. Individuals who would like to seek professional and confidential advice should contact:

- Protect, a registered charity that advises on whistleblowing queries via www.protect-advice.org.uk, or by telephone 020 311 725 20
- a professional association or union

9.6. Once an individual has raised a concern, the College will be responsible for investigating it.

9.7. In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, see section 14.

10. Investigation

10.1. The Principal will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

10.2. The initial stage will be an interview with the whistle-blower, and then an assessment of further action will be discussed. During this initial stage, the Principal will establish if:

- there are grounds for a concern and that it is genuine.
- the concern was raised in accordance with this policy.

The whistle-blower may be accompanied to this meeting by a work place colleague or trade union official, as long as the third party is not involved in the issue. The third party's role is to offer support to the whistle-blower, not to become involved in the proceedings.

10.3. During the initial interview, the Principal will request the individual puts their concern in writing, if they have not already done so. The Principal will write a summary of the concern if the individual is unable to put it in writing.

10.4. The Principal will explain the following to anybody raising a concern:

- how they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the College giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern
- that the complainant's identity will be kept confidential from the alleged wrongdoer, if requested
- that the College will do everything in its power to protect the complainant from discrimination
- that if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant
- if clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

10.5. If an investigation is carried out, the Principal may appoint an investigating officer, this may be an external person (see section 14). The whistle-blower will be informed of the final outcome of the investigation.

10.6. A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the College's Data Protection Policy.

- 10.7. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
- be investigated by management, an internal audit or through the disciplinary process
 - be referred to the police or an external auditor
 - form the subject of an independent inquiry
- 10.8. If the investigating officer needs to talk to the whistle-blower, they are permitted to be accompanied by a work place colleague or trade union representative, see 10.2 above.
- 10.9. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the College and to assist in monitoring the procedure.
- 10.10. The whistle-blower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

11. Suspected Examination/Assessment Malpractice

In cases relating to Examination or Assessment Malpractice, employees should refer to the Examinations Policy Appendix 9: Suspected Malpractice in Examinations & Assessments Policy and follow the internal procedure described therein.

12. Safeguarding Children and Young People

- 12.1 Separate to the obligations under this policy, all employees have a duty to report concerns about the safety and welfare of students.
- 12.2 Concerns about any of the following should be reported to the College's Designated Safeguarding Lead (DSL):
- physical abuse of a student
 - sexual abuse of a student
 - emotional abuse of a student
 - neglect of a student
 - an intimate or improper relationship between an adult and a student
- 12.3 The reason for the concern may be the actions of a colleague (including a more senior colleague), a governor, another student or someone outside the College. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.
- 12.4 Where a member of staff feels unable to report an issue to the DSL, or feels that their genuine concerns are not being addressed, then they should refer to the [NSPCC whistleblowing helpline \(https://www.gov.uk/government/news/home-office-launches-child-abuse-whistleblowing-helpline\)](https://www.gov.uk/government/news/home-office-launches-child-abuse-whistleblowing-helpline) which is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by the College. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and/or email: help@nspcc.org.uk

13. Appeal process

- 13.1. If the whistle-blower is not satisfied with the way the matter has been handled, they can make a complaint under the College's Complaints Procedure Policy.
- 13.2. Alternatively, if the whistle-blower is concerned that the Principal is involved in the wrongdoing, has failed to instigate a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Clerk to the Governors, who will then communicate directly with the Chair of Governors.

14. Involvement of External Agencies

- 14.1. In cases involving alleged fraud, or other financial irregularity, the College Governors may commission an audit company to carry out, or assist in, an investigation.
- 14.2. In most cases employees should not find it necessary to alert anyone externally and employees are strongly advised to seek advice before reporting a concern in this way. Employees who feel unable to follow internal routes, for whatever reason, have the option of contacting one of the "prescribed bodies" (see section 2). In the case of the College this is likely to be one of:
- HM Revenue and Customs
 - The Financial Conduct Authority
 - The Health and Safety Executive
 - The Environment Agency
 - The Serious Fraud Office
 - The Education and Skills Funding Agency
 - The Department for Education
 - The NSPCC
 - Ofsted
 - Ofqual (www.gov.uk/ofqual provides a link to an online form for the reporting of examination malpractice)
 - The Office of the Information Commissioner

15. Unfair treatment

- 15.1. If a whistle-blower feels that they have been treated unfairly as a result of their whistleblowing they may take a case to an employment tribunal.
- 15.2. Further information can be sought from:
- the Advisory, Conciliation and Arbitration Service (ACAS)
 - Citizens' Advice
 - A trade union or professional body
- 15.3. If a report has been made anonymously, it may be more difficult to argue that unfair treatment was a result of whistleblowing.
- 15.4. Any case of unfair dismissal must be made within three months of the contract of employment ending. ACAS must be notified by an individual of their intention to take a case to an employment tribunal.

16. Contracts of Employment and Compromise Agreements

- 16.1. The College does not place confidentiality obligations in contracts of employment or settlement agreements that would prevent an employee/ex-employee making a protected disclosure.

17. Monitoring and review

- 17.1 The Senior Leadership Team and Governing Body will review this policy every two years, ensuring that all procedures are up-to-date.
- 17.2 Any changes made to this policy will be communicated to all members of staff.

Related Policies:

- Anti-Fraud and Fraud Response Procedures
- Complaints Procedure
- Data Protection Policy
- Financial Regulations
- Grievance Procedure
- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Staff Disciplinary Policy