



ST MICHAEL'S CATHOLIC COLLEGE WHISTLEBLOWING POLICY 2019-20

Introduction

If you have concerns about something that is happening at work which you think could be unlawful conduct, financial malpractice, a concern for the welfare or safeguarding of a child or be dangerous to the public or the environment, it is important that you know what you can do to bring it to the College's attention.

The College is committed to achieving the highest possible standards of service and ethical standards in public life and it is important to us that you are not worried about raising such issues and do not feel that reporting them is either not your business or would be disloyal to colleagues, managers or to the organisation.

It is also important that if you decide to say something that you know the appropriate way to do it. All concerns raised will be responded to properly and fairly.

The Governing Body has introduced this Whistleblowing policy and procedure in line with the Public Interest Disclosure Act 1998 (which you can consult at http://www.opsi.gov.uk/acts/acts1998/ukpga_19980023_en_1) and the Academies financial handbook 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/811261/Academies_Financial_Handbook_2019.pdf to enable workers (see below) to raise issues of concern in an appropriate manner.

The term worker broadly includes employees, independent contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the College.

This policy is primarily for concerns where the well-being of others or of the organisation itself is at risk.

Aims of the policy

This policy aims to:

- Encourage you to feel confident in raising concerns
- Provide avenues for you to raise concerns and receive appropriate feedback.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from any reprisals or victimisation by the College, if you have reasonable belief that the matter disclosed tends to show wrongdoing and you have made the disclosure in an appropriate manner and in good faith.

What to raise concerns about

1. The Public Interest Disclosure Act lists matters about which concerns can be raised and these are as follows:

1. A crime has been committed, is being committed, or is likely to be committed
 - Examples might be child abuse, the abuse of any other vulnerable clients, or theft.
 - Fraud : disclosures about fraud are dealt with separately under the Council's Fraud Response Plan and any allegations should be reported to the Departmental Finance Manager, Children's Services.
2. A person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject.
 3. A miscarriage of justice has occurred, is occurring, or is likely to occur.
 4. The health and safety of an individual has been, is being, or is likely to be endangered.
 5. The environment has been, is being or likely to be damaged.
6. Information tending to show any of 1 to 5 above has been concealed or is likely to be deliberately concealed.

When will raising a concern be “in the public interest”?

Raising a concern will be “in the public interest” if it is in the public good, or serves the interests of the public, but not simply because it is a matter the public are interested in. It is not acceptable for this Whistleblowing Policy to be used to further private disputes and make unfounded allegations for malicious or vexatious reasons.

Our assurances to you

To protect you

The Governing Body and College Managers are committed to this policy. If you make a disclosure on one or more of the matters listed above and you have a reasonable belief that your concern is real and you are acting in good faith, you will not suffer any detriment, even if after investigation it transpires that your concern is unfounded.

To protect your identity

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. If such harassment or victimisation should occur, you should write to the Chair of Governors – via Mrs Samantha Dossetter, Clerk to the Governors who will deal with the matter.

However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if we do not know the identity of the whistleblower it may be much more difficult for us to look into the matter or to protect your position or to give you feedback.

Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

How to raise a concern internally

Stage one:

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager. This may be done orally or in writing.

Stage two:

If you feel unable for whatever reason to raise the matter with your Principal under stage one, please raise the matter with the Chair of Governors, or else an appropriate specialist officer within the Children's Services Department of Southwark Council as follows:

- Equality and Diversity – contact the Children's Services Department for equality issues
- Executive Head of Human Resources, Children's Services for employment and issues
- Children's Services Health and Safety Manager for health and safety issues

When you raise the matter, please say if you are doing this in confidence. The person you contact can then make appropriate arrangements.

Stage three:

If stage one and/or two have been followed and you still have concerns, or if you feel that the matter is such that you feel you cannot raise it with your manager or Principal, for example because it concerns them or it is very serious, please write to the Strategic Director, Communities Law and Governance, Southwark Council, PO Box 64529, London SE1P 5LX. The Monitoring Officer can investigate concerns about the most senior officers.

How to raise concerns about fraud

Disclosures concerning fraud should be made to your Principal, to the Chair of Governors or to the council's Strategic Director of Finance and Governance (via Head of Anti-Fraud and Internal Audit, on extension 54346. Further information and advice can be found in the Fraud and Bribery Response Plan. It should be noted that if the disclosures made under this policy the Monitoring Officer remains responsible and any persons raising concerns have the same protection under the policy and the 1998 Act.

How to raise concerns about other matters

The Whistleblowing policy is designed to sit alongside the other routes for raising concerns about the College including the Grievance and Complaints Procedures. To show the relationships a 'route map' for raising concerns is shown in Appendix B.

As a guideline, concerns, which should be raised through these routes, are as follows

- Employment related issues should be raised through the college's staff procedures.
- Safeguarding concerns should be raised through the college's safeguarding policy procedure.
- Employment related issues should be raised through the College's Grievance and Respect at Work Procedure
- The College's Complaints Procedure can be used for complaints about Governors.

Advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your trade union.

The college recognises that employees may wish to seek advice and be represented by their trade union representative when raising a concern under the policy, and acknowledges and endorses the role trade union representatives play in this respect. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the college.

- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. See their FAQ <http://www.pcaaw.org.uk/individual-advice/fags>

How will we handle the matter?

Once you have told us about your concern, the following steps will be taken:

- Look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.
- Write to you summarising your concern and setting out how we propose to handle it and provide you with details of the officer handling the matter and how you can contact him or her. We will always write to you at your home address unless you tell us not to.
- The investigations will be conducted on a strictly confidential basis and the subject of the complaint will not be informed unless and until it becomes necessary.
- We will give you as much feedback as necessary. However, please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.
- Inform your line manager that you have raised a concern under the whistleblowing policy and provide him/her with details of your complaint.
- The line manager/SLT person will keep a central record of all such complaints and where the complaint was not raised directly with them, keep a watchful eye on the progress of the investigation and of action taken.

External contacts

While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact, for example:

- **Health and Safety Executive**, St Dunstons House, 201 Borough High Street SE1 1GZ 0207 556 2100
- **Equality and Human Rights Commission**, 3, More London, Riverside, Tooley Street, London, SE1 2RG 0845 604 6610 (helpline)
- **National Disabilities Council**, Caxton House, Tothill Street, Sw11 9NA 0207 273 6190
- **Independent Advocacy Service (for community Care services for adults)** Cambridge House, 151 Camberwell Road, SE5 0HF 0207 703 0261
- **Children's Society**, Edward Rudolph House, 69 Margery Street, WC1X 0JL, 0207 837 4299
- **Public Concern at Work Charity** <https://protect-advice.org.uk/>

If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

If you decide to blow the whistle to a prescribed person rather than the college, you must make sure that you have chosen the correct person or body for your issue. A list of prescribed person and bodies is set out in the Department for Business Innovation and Skills “Blowing the whistle to a prescribed person – list of prescribed persons and bodies”. You may also blow the whistle to your legal advisor, in the course of obtaining legal advice.

APPENDIX A WHISTLEBLOWING POLICY

GUIDANCE FOR TEACHERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. College Teachers should ensure that employees are aware of the Whistleblowing Policy and know where it can be located.

2. If you receive a disclosure in respect of any of the matters set out under the heading ‘What to Raise a Concern About’ in the Whistleblowing Policy you must take the following action:

- 2.1 take the matter seriously and do not dismiss or belittle the information,
- 2.2 respect as far as possible the confidentiality of the employee, and adhere to the policy under the heading “To protect your identity” where the employee has specifically asked for confidentiality
- 2.3 ensure that the employee understands the Whistleblowing procedure,
- 2.4 acknowledge the concern in writing within 3 working days.
- 2.5 discuss ways that the employee could be supported,
- 2.6 investigate the concern objectively, dealing with all parties with sensitivity and tact,
- 2.7 seek advice from the College’s Personnel Provider,
- 2.8 seek advice and involve other Education managers if appropriate,
- 2.9 set out clearly how the concern is to be taken forward,
- 2.10 ensure that notes are made and kept of the process followed, notes of discussions etc.
- 2.11 keep informed the person raising the concern about the progress made and outcome of the investigation
- 2.12 provide the Monitoring Officer with details of the concern and inform him about the progress and outcome of the investigations.
- 2.13 Seek guidance from the monitoring officer if you are uncertain whether the person raising the concern has a genuine belief that it is in the public interest.

3. Note, that if the concern relates to fraud, you should report it to the Departmental Finance Manager, Children’s Services (who is responsible for reporting all cases to the Strategic Director of Finance and Governance via the Head of Anti-Fraud and Internal Audit) in line with the Fraud and Bribery Response Plan for Managers.

Race Equality Impact Assessment:

<u>Review Cycle</u> (Indicate below whether the policy is due to be reviewed after 1, 2, or 3 years).	<u>Priority for Race Equality Impact Assessment</u> (Indicate below whether the policy is seen as High/Medium or Low priority)

June 2019

Signed:
Chair of the Finance & Resources Committee

Date:.....

Signed:
Chair of the Governors

Date:.....

Date of review June 2021