

WHISTLEBLOWING POLICY

Last Reviewed/Updated: 03.02.2020

Next Review/Update: 15.08.2020

Introduction

Whistleblowing has been defined 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 work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997).

Whistleblowing is a matter between employers and employees. The statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 (PIDA). The Act protects employees against victimisation if they make a protected disclosure and speak out about corruption or malpractice at work.

This policy applies to all staff. Please note that concerns regarding safeguarding practices should follow the Whistleblowing procedures outlined in the safeguarding policy which includes details for the NSPCC whistleblowing helpline.

Aims and Scope of Policy

This policy aims to:

- give confidence to members of staff about raising concerns about illegal, corrupt or improper practices or unethical conduct inconsistent with college standards and policies so that s/he is encouraged to act upon those concerns
- provide a member of staff with avenues to raise concerns
- ensure that a member of staff receives 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.

The policy covers whistleblowing relating to:

- conduct which is unlawful
- disclosures relating to miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to children and members of staff
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- mistreatment of any person
- action likely to cause physical danger to any person or risk serious damage to property
- sexual or physical abuse of members of staff or children
- unfair discrimination or favouritism
- racist incidents or acts or racial harassment
- any attempt to prevent disclosure of any of the issues listed.

Safeguard Against Harassment and Victimisation

The Public Interest Disclosure Act 1998 (PIDA) protects you from any reprisals as long as you comply with the rules and procedures set out in PIDA.

Confidentiality

The Chair of the Advisory Board /Co-Principals will do their utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However, the investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If a whistleblower is unwilling to give a statement because of fear of disclosure of their identity but the Chair of the Advisory Board or Co-Principal remains concerned about the seriousness of the allegations they will discuss this with the member of staff and ask him/her to reconsider so that the matter can be taken forward.

Anonymous Allegations

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless, wherever possible, anonymous allegations will be considered under this whistleblowing procedure taking into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further enquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then disciplinary action may be taken against the member of staff.

Allegations Concerning Safeguarding Children Issues

If a member of staff raises a concern related to a Safeguarding issue, the DSL will follow the college Safeguarding Children Policy. If the matter concerns the DSL then the Co-Principal should be informed. If the allegation concerns the Co-Principals then the LADO should be informed.

If the member of staff reporting suspicions remains unsatisfied by a decision not to act by the DSL or DDSL, he or she may, as a responsible citizen, enact the College Whistleblowing policy and report concerns directly to Children's Social Care. He or she will be considered to have acted as a responsible citizen and will not be held accountable for undermining a college decision.

The phone number for referral – Children and Families Team – is 0208 8901 2690

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 may be open to them:

- general guidance on whistleblowing can be found via: <https://www.gov.uk/whistleblowing> and
- the NSPCC's what you can do to report abuse dedicated helpline 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 their school or college. <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>

Staff can call 0800 028 0285 – line is available

from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

What to do if you want to make a Whistleblowing Allegation

Raise your concern with the Advisory Body if the matter concerns the Co-Principals. If possible put your concern in writing setting out the background and history of the concern; giving names, dates and places where possible and explaining the reason for your concerns. If you feel unable to put the matter in writing then arrange to meet the appropriate person.

Response to Whistleblowing

The matter raised may;

- need inquiry internally
- need to be passed to the Police if it relates to alleged criminal activity
- need to be referred to the local authority for consideration under Safeguarding Children procedures At this stage concerns/allegations are neither accepted nor rejected.

Time-scale for Response

The person appointed to look into Whistleblowing allegations, normally the Academic Manager, if appropriate, will provide a written response to you within 5 working days;

- acknowledging that the concern has been raised
- indicating how it is proposed to deal with the matter. giving an estimate of how long it will take to provide any further response
- advising whether any enquiries have been made
- advising whether further enquiries will take place and
- informing you of support available whilst matters are looked into.

The Inquiry Process

The appointed person will:

- look into the allegation – seeking evidence and interviewing witnesses as necessary
- maintain confidentiality as far as possible
- talk to the local authority officer for Safeguarding Children/Social Services manager for child protection about any allegations involving any safeguarding issues.

The target is to complete the inquiry within 10-15 days from the date of the initial written response.

The Inquiry Report

The appointed person will make a written report to the Chair of the Advisory Body or the Co-Principals, usually setting out:

- how the inquiry arose
- who the concerns are raised against

- how the inquiry was undertaken
- their position at the setting and their responsibilities
- the facts and the evidence which were identified
- a summary of the findings and recommendations in respect of the concern itself and any work required on system weaknesses identified during the inquiry.

The Chair of the Advisory Body or the Co-Principals will consider the inquiry report and decide on the action to be taken and will determine:

- the need for disciplinary action or other appropriate action to be taken
- the further action to be taken and the reasons why
- Chair of the Advisory Body or the Co-Principals will notify you of the outcome within 5 working days, setting out the action to be taken or that no further action is to be taken and the reasons why.

Taking the Matter Further

If no action is to be taken and you are not satisfied with the way the matter has been dealt with, you can make a complaint under the college's grievance procedure.

Review

- This policy will be subject to continuous monitoring, refinement and audit by the Co-Principals.
- The Co-Principals will undertake a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.