

WHISTLE BLOWING POLICY

This policy is applicable to all College Staff and pupils, including those in EYFS

Whistleblowing has been defined as:

'1 in 10 UK workers, across all four surveys from 2011-2018, say that they have witnessed possible corruption, wrongdoing or malpractice in the last two years'

(Protect)

St Lawrence College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, volunteers, and anyone associated with the College who have serious concerns about any aspect of practices encountered within the College to come forward and voice those concerns without fear of reprisals.

This Policy is to support staff and pupils wanting to raise such issues. It is recognised that certain cases will have to proceed on a confidential basis.

This policy takes into account the provisions of the Public Interest Disclosure Act 1998, which also provides legal recourse for the person raising the concern should they feel they have been treated unfairly as a result of "whistle-blowing". A purpose of the policy is to give all members of staff and pupils the confidence to come forward and raise issues of concern.

EXAMPLES OF WHISTLEBLOWING

This policy covers whistleblowing relating to alleged:

- sexual, physical or emotional abuse of members of staff or pupils
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.
- Inappropriate use of social media and other technologies

SAFEGUARDS AGAINST REPRISAL, HARASSMENT AND VICTIMISATION

Reference:	
Owner:	SS Dep Hd (P)
Version:	1.3
Last reviewed	Jul 24
Next review due:	Jul 25

The College will not tolerate harassment or victimisation of members of staff when matters are raised. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the College's staff disciplinary procedures.

The College:

- Is committed to maintaining the highest standards of good practice
- Will not tolerate victimisation of whistleblowers and will deal with such victimization seriously and appropriately
- Is committed to training staff and raising awareness of whistleblowing procedures
- Is supportive of employees.
- Will treat all whistleblowing reports consistently and fairly.
- Recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

Recognises that support will need to be provided to the employee, at the time the allegation is raised, during the investigation itself and following the outcome of the investigation. The nature and type of support offered will need to be discussed and agreed with the individual employee.

Will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern.

Will not attempt to gag potential whistleblowing activity through settlement agreements or other such contractual clauses

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

CONFIDENTIALITY

The College recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However 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 the investigation leads to prosecution, the whistle blower is likely to be called in to give evidence in court.

ANONYMOUS ALLEGATIONS

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the College will take the following factors 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.

The College will listen to the concerns of the individual when considering how to respond to allegations. Where appropriate non face-to-face means (eg telephone or email) may be used.

UNTRUE AND MALICIOUS/VEXATIOUS ALLEGATIONS

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry 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 the College will consider taking disciplinary action against the member of staff. In the most serious of cases. This may include dismissal.

ALLEGATIONS CONCERNING CHILD PROTECTION ISSUES

If an employee raises a concern relating to a child protection issue, the Head of College or HJS (or Chair of Governors if the concern is about the Head of College) or the School's Designated Safeguarding Lead must deal with the matter in accordance with the School's Safeguarding and Child Protection Procedure.

If after raising concerns related to child protection issues a member of staff still has concerns, and the issue has not been referred to Social Services by the school, the member of staff can make a direct referral to Social Services.

PROCEDURE FOR MAKING A WHISTLEBLOWING ALLEGATION

In the event that a member of staff or a pupil has a concern that they feel warrants whistle blowing, they should report the matter to the Deputy Head, Pastoral, in the Senior School or the Head of the Junior School.

If the concerns involve the Head of College then the Chair of Governors should be the first point of contact. .

If the member of staff feels they cannot express their concerns within the school, it is open to them to raise their concerns with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further'.

Where the concern relates to a child protection matter the School's Safeguarding and Child Protection Procedure must be followed. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the concern relates to the Chair of Governors then the Head of College should be informed.

The member of staff should put their concern in writing for the avoidance of doubt. They should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for their concerns. If they feel unable to put the matter in writing they can still raise their concern verbally and should telephone or arrange to meet the appropriate person. They can also ask a trade union representative or professional association to raise the matter on their behalf or to support them in raising the concern.

RESPONSE TO WHISTLEBLOWING

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The whistleblowing matter raised may:

- need consultation with the local authority's designated social services for child protection/safeguarding team if there is a concern relating to child protection.
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the Charity Commission if there are concerns about financial management or financial propriety in schools.
- need inquiry internally in the school

At this stage concerns/allegations are neither accepted nor rejected.

TIMESCALE FOR RESPONSE

The member of staff will normally receive a written response within 5 school days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing them of support available whilst matters are looked into and following the outcome of the investigation
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that they can remain anonymous.

THE INQUIRY PROCESS

A whistleblower does not need to provide evidence for the College to look into concerns raised.

An Investigating officer will be appointed to look into the matter. This will normally be the Deputy Head, Pastoral in the Senior School or the Head of the Junior School.

If the investigating officer needs to talk to the member of staff, they are permitted to be accompanied by a trade union representative or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The first point of contact will seek to keep the employee informed of progress with their concern in a timely manner. However the timescales to be followed will vary depending on the nature of the issue raised and the procedure that is being followed to address the matter.

THE REPORT

A report will be produced following an investigation into the concern in accordance with the appropriate process. The matter and action to be taken, if any, will be determined by the person (s) who is/are identified in the procedure as having the delegated authority to deal with the matter.

The School accepts that the employee needs to be assured that the matter has been properly addressed. Thus, the member of staff will be informed when an investigation has been concluded.

The Head of College must report, in a general way, all whistleblowing cases on a termly basis to the Governors.

All information relating to the disclosure of information will be securely held. Accurate information relating to any subsequent investigation will be retained securely and where allegations have been proven to be unfounded this will be clearly recorded.

TAKING THE MATTER FURTHER

If no action is to be taken and/or the member of staff is not satisfied with the way the matter has been dealt with, they can make a complaint under the School's grievance or complaint procedure or raise their concerns with other organisations as listed below:

- the local authority
- a trade union or professional association
- a relevant professional body or regulatory organisation
- the Charity Commission
- ISI
- DfE
- the Police for concerns of criminal behaviour

FURTHER INFORMATION

Individuals considering making a whistleblowing report may wish to consult Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or www.pcaw.co.uk).

REVIEW:

This policy will be reviewed annually in accordance with the Policy Review Schedule

Revision History

Version No.	Revision Date	Summary of change	Approved by	Updated by
1.1	13/03/18	Reference made to staff & pupils and to whom concerns should be reported	ASp	DJJ
1.2	14/3/18	Rewrite to incorporate PCAW guidance	DJJ/JAC	DJJ
1.3	08/09/2020	Changed owner of Policy to TM	TM	TM