

**WORCESTER SIXTH FORM COLLEGE**

**WHISTLEBLOWING  
POLICY & PROCEDURES**

Reviewed November 2019



## WHISTLE BLOWING (CONFIDENTIAL REPORTING) POLICY

This policy follows the model drafted by the Sixth Form Colleges' Association (SFCA). It is accompanied by a code which takes into account the requirements of the Public Interest Disclosure Act 1998.

### 1. Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the College. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the College. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The College is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns **within** the College rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The policy applies to all employees and those contractors working for the College on College premises, for example, agency staff, builders. It also covers suppliers and those providing services under a contract with the College in their own premises.

### 2. Aims and Scope of this Policy

- 2.1 This policy aims to:
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
  - provide avenues for you to raise those concerns and receive feedback on any action taken
  - 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 possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
  - commission of a criminal offence
  - failure to observe a legal obligation or comply with an instrument of governance
  - miscarriage of justice
  - endangering health and safety or the environment
  - administrative malpractice
  - financial malpractice
  - fraud
  - academic or professional malpractice
  - improper conduct or unethical behaviour
  - suppression or concealment of any matters relating to the above.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees of the College or Local Governing Body members or others acting on behalf of the College can be reported under the Confidential Reporting Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the College subscribes to
- is against the Heart of Mercia's Articles of Governance
- falls below established standards of practice
- amounts to improper conduct

### **3. Safeguards**

#### **3.1 Harassment or Victimisation**

3.1.1 The College is committed to good practice and high standards and wants to be supportive of employees.

3.1.2 The College recognises that the decision to report a concern can be a difficult one to make. If you reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and to the College as a whole.

3.1.3 The College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

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

#### **3.2 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### **3.3 Anonymous Allegations**

3.3.1 This policy encourages you to put your name to your allegations whenever possible.

3.3.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.

3.3.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### **3.4 Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **4. How to Raise a Concern**

4.1 As a first step, you should normally raise concerns with your immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your line manager is not appropriate for any

reason you should raise your concerns with the Deputy Principal or the Principal. If your concern relates to the Principal you can raise these concerns with the Executive Principal or Clerk to the Board of the Heart of Mercia Academy Trust.

- 4.2 A whistleblowing helpline is available to enable those working for the College to report concerns to an external agency in complete confidence. The helpline can be contacted by Freephone telephone **0800 197 2814**, by email to **blowingthe whistle@cic-eap.co.uk** or through the secure user anonymous website **www.blowingthe whistle.co.uk**. The helpline will help the caller to organise their thoughts into a clear form. The information will then be communicated to the College which would provide guidance or take over the communication directly as detailed throughout this policy. Alternatively, the helpline would facilitate indirect conversation between the College and the individual. Advice can also be sought from the Whistleblowing charity 'Protect' (<https://protect-advice.org.uk/>).
- 4.3 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates);
  - the reason why you are particularly concerned about the situation.
- 4.4 The earlier you express the concern the easier it is to take action.
- 4.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 4.6 Advice and guidance on how matters of concern may be pursued can be obtained from the Principal or the Clerk to the Local Governing Body.
- 4.7 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 4.8 You may invite your trade union representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **5. How the College will Respond**

- 5.1 The College will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 5.2 Where appropriate, the matters raised may:
- be investigated by management, or through the disciplinary process
  - be referred to the police
  - be referred to the external auditor
  - form the subject of an independent inquiry
- 5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. In the event that further investigation or action is required as a result of an anonymous disclosure to the confidential helpline (see 4.2) the College might not be able to proceed while the individual remains anonymous. The overriding principle, which the College will have in mind, is the public interest.

- 5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken into account before any investigation is conducted.
- 5.5 Within **ten** working days of a concern being raised, the responsible person (i.e. the Principal or Deputy Principal) will write to you:
- 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
  - telling you whether any initial enquiries have been made
  - supplying you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the staff considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and clarity of the information provided. If necessary, the College will seek further information from you.
- 5.7 Where any meeting is arranged, off-site if you so wish, a union representative or a friend can accompany you. The meeting will be attended by two appropriate members of staff.
- 5.8 The College will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the College will arrange for you to receive advice about the procedure.
- 5.9 The College accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigations.

## **6. The Responsible Person**

The Principal has overall responsibility for the maintenance and operation of the College's policy which adheres to the principles of the Heart of Mercia Whistleblowing Policy and Procedures. He maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Local Governing Body.

## **7. How the Matter can be taken Further**

- 7.1 This policy is intended to provide you with an avenue **within** the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair of the Local Governing Body or where the matter has been raised with the HOMAT Executive Principal or Clerk to the Board, this can be raised with the Chair of the HOMAT Board or Chair of the HOMAT Audit Committee. This right of appeal is available if you believe that procedures have not been properly followed or you believe that the decision is one which no reasonable person could have reached. If you are still not satisfied you may feel it is right to take the matter outside the College. The following are possible contact points:
- the Regional Schools Commissioner
  - the external audit
  - your trade union
  - your local Citizens' Advice Bureau

- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police

7.2 If you do take the matter outside the College, you should ensure that you do not disclose confidential information.