

# Minsthorpe Academy Trust Whistleblowing Code of Practice

## September 2016

### Equality Statement

Minsthorpe Community College values diversity, and is determined to ensure that everyone is treated fairly, with dignity and respect; where the opportunities we provide are open to all; and that we provide a safe, supportive and welcoming environment - for staff, students and visitors.

### Equality Impact Assessment (EIA)

This policy has been assessed with regard to its impact on equalities issue, with specific reference to the aims of the Equality Act 2010. The equality impact assessment focused on race, gender, disability, pregnancy and maternity, age, sexual orientation, gender identity and religion/belief.

### EIA outcomes

- No areas of potential negative impact were found and actions resulting in positive impact are in place where appropriate.

Policy last reviewed:	Due for next review:	EIA:	Role Responsible:
Spring 2016	Spring 2018	11 <sup>th</sup> November 2011	P&HRD

## **1. INTRODUCTION**

- 1.1 It is in the interest of all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This includes the interests of the College, its employees, the Governing Body and any persons that are the subject of such disclosures, as well as the whistleblower themselves.
- 1.2 Whistleblowing is the disclosure or communication of information about malpractice by individuals or organisations to a person or body having potential to rectify it. The term has equal validity to breaches of civil and criminal law. The concept of whistleblowing is also associated with principles of accountability.
- 1.3 All levels of management throughout the College, the Governing Body and Principal will ensure that every employee receives the necessary and appropriate support when reporting unacceptable practice.

## **2. STATUS OF THE CODE OF PRACTICE**

- 2.1 The Code of Practice is complementary to the Code of Conduct (Staff Handbook).

## **3. PURPOSE AND SCOPE OF THE CODE**

- 3.1 The whistleblowing policy requires all governors and staff to act responsibly to uphold the reputation of the organisation and maintain public confidence.
- 3.2 The Code of Conduct states “Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. It is the duty of each employee to report to the appropriate senior member of staff any impropriety or breach of procedure”.
- 3.3 An employee’s concerns may in the context of malpractice include concerns about poor or unsafe practice and potential failures in the college’s safeguarding regime, possible corruption, dangerous procedures risking health and safety, abuse of clients, evasion of statutory responsibilities, damage to the environment, fraud, unlawful acts, maladministration, non-compliance with Governing Body policy, discrimination, failure to act on a situation which could potentially damage the College financially, other unethical conduct, negligence or unprofessional behaviour. The concerns may be in respect of the actions or inaction’s of employees, Governors or elected members. The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

## **4. PROCEDURE**

- 4.1 Where an employee has concerns about possible abuse or malpractice which are not appropriate for raising through other procedures, e.g. grievance, they should be raised with:-
- (a) the Principal; or
  - (b) where (a) is inappropriate, with a senior manager designated for the purpose by the College; or
  - (c) where both (a) and (b) are inappropriate, with an independent person or organisation designated for that purpose.

## CODE OF PRACTICE ON WHISTLEBLOWING – CONFIDENTIAL REPORTING POLICY

### 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 the Governors. 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 Governing Body are committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Governing Body expect employees and others with serious concerns about any aspect of the College's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff should do so without fear of reprisals. This confidential Reporting policy is intended to encourage and enable staff to raise serious concerns **within** the College rather than overlooking a problem or blowing the whistle outside.
- 1.3 This policy has been discussed with the relevant trade unions.

### 2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- \* provide avenues for employees to raise concerns and receive feedback on any action taken;
  - \* allow employees to take the matter further if they are dissatisfied with the College's response to the concerns expressed;
  - \* reassure employees that they will be protected from possible reprisals or victimisation.
- 2.2 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This confidential reporting policy is intended to cover concerns that fall outside the scope of other procedures. Thus any serious concern that an employee has about any aspect of service provision or the conduct of staff, Governors or others acting on behalf of the College can and should be reported under this policy.

This concern may be about something (an action or inaction by an employee, Governor or elected member) that is for example:

- \* unlawful or
- \* against the Governing Body's policies; or
- \* against established standards of practice; or
- \* improper conduct; or
- \* poor or unsafe practice.

### **3. SAFEGUARDS**

#### **Harassment or Victimisation**

- 3.1 The Governing Body recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of malpractice or from the Governing Body as a whole. The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and appropriate action will be taken in order to protect a person who raises a concern in good faith.

#### **Anonymity**

- 3.2 The Governing Body will protect the identity of any member of staff who raises a concern and does not want his/her name to be disclosed. However, it must be appreciated that following any investigation a statement by the person reporting the concern may be required to enable appropriate action to be taken. If this is unacceptable to the employee raising the concern, in some cases it may not be possible to progress the issue further.

Concerns expressed anonymously will be considered. If, however, insufficient information is available the following factors will be taken into account in determining whether or not to progress the matter further:

- \* the seriousness of the issues raised;
- \* the credibility of the concern; and
- \* the likelihood of obtaining the necessary information.

Anonymity should not be used to facilitate false or malicious allegations.

#### **False and Malicious Allegations**

- 3.3 The Governing Body will protect themselves and their employees from false and malicious expressions of concern by taking disciplinary action where appropriate. In addition, a concern which is genuinely believed may prove to be unfounded on investigation. The Governing Body will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised. However, they acknowledge that it will not be possible to prevent all of the repercussions potentially involved.

### **4. HOW TO RAISE A CONCERN**

- 4.1 Concerns should normally be raised initially with the Principal. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that senior management is involved in the matter of concern, an approach should be made to the Chair of Governors.

4.2 Concerns may be raised verbally or in writing. Employees 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 the employee is particularly concerned about the situation.

4.3 It should be noted that often the earlier a concern is expressed, the easier it is to take appropriate action.

4.4 Although employees are not expected to prove beyond doubt the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for real concern.

4.5 Staff may invite their trade union or professional association to raise a matter on their behalf.

## **5. HOW THE GOVERNING BODY AND/OR COUNCIL WILL RESPOND**

5.1 The action taken by the Governing Body will depend on the nature of the concern. Where appropriate, the matters raised may:

- \* be investigated by the appropriate management;
- \* be referred to the police;
- \* be referred, via appropriate channels in relation to reporting safeguarding concerns, both internal and external;
- \* form the subject of an independent inquiry.

5.2 In order to protect individuals and the Governors, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.3 It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally some issues may be investigated without the need for initial enquiries. If urgent action is required, this would be taken before any investigation is conducted.

5.4 Within ten working days of a concern being raised, the Principal or Chair of Governors will write to the person raising the concern:

- \* acknowledging that the concern has been received;
- \* indicating how it is proposed to deal with the matter; and
- \* giving an estimate as to how long it will take to provide a final response.

If it is impossible for initial enquiries to be completed within ten days, the situation will be explained in the letter of acknowledgement. Where a decision is made that no

investigation will take place, the reasons for this will be provided. In so far as possible, a final resolution of the matter will normally be aimed for within twenty-eight days of the complaint being lodged.

- 5.5 The amount of contact between those considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.
- 5.6 Where any meeting is arranged, employees will have the right, if they so wish, to be accompanied by a union or professional association representative or a colleague who is not involved in the area of work to which the concern relates. At the request of the individual raising the concern, any meeting may be held away from the College and/or outside working hours if appropriate.
- 5.7 The Governing Body will take appropriate steps to minimise any difficulties which an employee may experience as a result of raising a concern. For example, if an employee is requested to give evidence in criminal or disciplinary proceedings, the Governing Body would need to consider what steps are required to protect them from detriment. Whilst the employee would have the right not to attend such proceedings, he/she should be made aware that a successful conclusion to the resolution of their concern may not be possible without their attendance.
- 5.8 The Governing Body accept that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

## **6. RESPONSIBILITY FOR IMPLEMENTING THE POLICY**

In College, that responsibility rests with the Principal. If the concern is about the Principal, then the Chair of Governors will act as the Responsible Officer.

## **7. HOW THE MATTER CAN BE TAKEN FURTHER**

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, and if you feel it is right to take the matter outside the college, the following are possible contact points:

- \* The Ombudsman
- \* Your Trade Union
- \* The NSPCC
- \* Your local Citizens Advice Bureau
- \* Relevant professional bodies or regulatory organisations
- \* The Colleges insurers
- \* The Colleges accountant/auditor
- \* The Police

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