 <b>HOLYPORT COLLEGE</b>	<b>Whistleblowing Policy</b>	
	Effective Date: 11.11.21	Version No: v1.2


<b>Title</b>	Whistleblowing Policy and Procedure
<b>Person responsible for policy formulation, implementation and maintenance</b>	Bursar
<b>Persons consulted</b>	Bruce Powell, Governor Serena Hedley-Dent, Governor Walter Boyle, Founding Head Master
<b>Adopted by Governors on</b>	5 <sup>th</sup> March 2015
<b>Revised version adopted on</b>	November 2021
<b>Date of future review</b>	Summer 2024

### **REVISION STATUS TABLE**

Revision No	Effective Date	Summary of Revision	Reviewed by	Date	Approved by	Date
v1.0	5 March 2015	New Policy				
V1.1	26 April 2019	Periodic review	SMT	26 April 2019		
V1.2	11 Nov 2021	Periodic review	SLT	11 Nov 21	GFC	11 Nov 21

### **POLICY DOCUMENT ANNUAL REVIEW**

This Policy document is subject to an annual Review by Holyport College that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. Holyport College reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

 <b>HOLYPORT COLLEGE</b>	Whistleblowing Policy	
	Effective Date: 11.11.21	Version No: v1.2

## **DEFINITION**

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Governing Body or by fellow employees which it is in the public interest to disclose. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the College Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

## **PROTECTING THE WHISTLEBLOWER AND OTHER EMPLOYEES**

The College is committed to the highest possible standards of openness, honesty and accountability. It expects its employees who have serious concerns about any aspect of the College's work to voice those concerns without fear of reprisal.

Under the Public Interest Disclosure Act 1998 a Whistleblower is protected from detriment and unfair dismissal. The College will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.

Each member of staff should feel able to speak freely on such matters. However, the College and colleagues have the right to protect themselves against unfounded false or malicious accusations.

## **WHEN SHOULD WHISTLEBLOWING PROCEDURES BE USED?**

Whistleblowing procedures should only be used when the following conditions are **both** met:

- an employee (Representor) has concerns about wrongdoing at the College and feels that those concerns are sufficiently serious to require reporting;
- the party implementing the procedure (Assessor) has reasonable grounds for believing that a serious offence has been or may be committed.


Whistleblowing procedures are not appropriate and should **not** be used:

- falsely, maliciously or when there are no good grounds;
- without adhering to due process – whistleblowing to the media is not appropriate or permitted in any circumstances.
- when dealing with issues for which there are separately published procedures, such as:
  - issues between an employee and the College which relate to the employee's own employment or rights or employment conditions generally;
  - dealing with pupil complaints;
  - dealing with specific cases of child safety or safeguarding.

## **CONFIDENTIALITY**

Any issue raised will be kept confidential while the procedure is being used.

Employees may, on a confidential basis seek prior guidance from the Head Master if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Head Master will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the College or any person under these procedures.

 <b>HOLYPORT COLLEGE</b>	Whistleblowing Policy	
	Effective Date: 11.11.21	Version No: v1.2

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- where the Assessor is under a legal obligation to do so;
- where the information is already in the public domain; or
- on a legally privileged basis to a qualified lawyer for the purpose of obtaining legal advice.

## **THE PROCEDURE**

### **1 – Raising the Concern**

- The Representor (the person raising the concern) should raise their concern with their line manager or the Bursar. This may be done orally or in writing.
- However, if the concern relates to the Representor's line manager, the Bursar, or any person to whom the Representor reports, other than the Head Master, the Representor should raise the issue with the Head Master;
- If the concern relates to the Head Master, the Representor should raise the matter with the Chair of the Governing Body.
- The person with whom the matter is raised is referred to as the "Assessor".

### **2 – The Interview**


The Assessor will interview the Representor in confidence, within seven working days (or as soon as possible if the concern relates to an immediate danger, e.g. loss of life or serious injury or risk to pupils).

At interview, the Assessor:

- will obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- will consult with the Representor about further steps which could be taken;
- will advise the Representor of the appropriate route if the matter does not fall under this Procedure;
- will report all matters raised under this procedure to the Chair of the Governing Body.
- may be accompanied by a member of the College staff to take notes. The Representor may be accompanied by a recognised trade union representative or a work colleague.

### **3 – After the Interview and Recommendation**

- The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the process of and outcome of the investigation.
- Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
  - The matter be further investigated internally by the College;

 <b>HOLYPORT COLLEGE</b>	Whistleblowing Policy	
	Effective Date: 11.11.21	Version No: v1.2

- The matter be further investigated by external consultants appointed by the College;
- The matter be reported to an external agency;
- Disciplinary proceedings be implemented against an employee;
- The route for the Representor to pursue the matter if it does not fall within this procedure;
- That no further action is taken by the College.
- The grounds on which no further action is taken include:
  - The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
  - The Assessor is satisfied that the Representor is not acting in good faith;
  - The matter is already (or has been) the subject of proceedings under one of the College's other procedures or policies;
  - The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- The recommendation of the Assessor will be made to the Head Master. However, should it be alleged that the Head Master is involved in the alleged wrongdoing; the recommendation will be made to the Chair of the Governing Body.

#### **4 - Implementation**


- The Head Master (or Chair of the Governing Body, as appropriate) will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.
- The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.
- All responses to the Representor will be made in writing and sent to the Representor's home address.
- If the Representor has not had a response within the above time limit or such reasonable extension as the College requires, the Representor may go to an appropriate external agency (as detailed below), but will inform the Assessor before doing so.
- The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

#### **MALICIOUS ACCUSATIONS**

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the College's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

#### **INFORMING EXTERNAL AGENCIES**

Within the College all staff have a duty of confidentiality, implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information,

 <b>HOLYPORT COLLEGE</b>	Whistleblowing Policy	
	Effective Date: 11.11.21	Version No: v1.2

unless it is in the public interest that the information is disclosed or unless the College fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact the independent charity Public Concern at Work ([www.pcaaw.co.uk](http://www.pcaaw.co.uk)) on 0207 404 6609 or obtain legal advice.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the College's Code of Conduct. The external agencies which may be used if disclosure is permitted are:

- Department for Education / Education and Skills Funding Agency (ESFA). (In these circumstances, the DfE/ESFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Assessor);
- Member of Parliament;
- National Audit Office;
- Health and Safety Executive;
- Police.

### **MONITORING, EVALUATION AND REVIEW**

The Governing Body will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the College.