



## WHISTLEBLOWING POLICY 2019-20

### **Policy and Procedures**

#### **Legal Status:**

The key piece of whistleblowing legislation is the Public Interest Disclosure Act 1998 (PIDA), which applies to almost all workers and employees who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed.

For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

#### **Applies to:**

- Whole College including all other activities provided by the College, inclusive of those outside the normal College hours;
- all staff (teaching and support staff), students on placement, the proprietor and volunteers working in the College.

#### **Related Documents:**

- Safeguarding - Child Protection Policy
- Health, Safety and Welfare Policy
- Safeguarding – Safer Recruitment Policy and Procedures
- Anti-bullying Policy
- Behaviour, Discipline, and Sanctions Policy
- Employee Handbook
- Equality and Diversity Policy and Implications.

#### **Availability**

This policy is made available to parents, staff and students through its presence as a PDF document on the website. In addition, all staff and new staff are given a physical copy. On request a copy may be obtained from the College Reception.

#### **Monitoring and Review**

- This policy will be subject to continuous monitoring, refinement and audit by the Vice Principal, John Dalton.
- The Proprietor (who is also the Principal) undertakes an annual review of this policy 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 changes in legislation, regulatory requirements or best practice guidelines so require.

Signed:

Date: July 2019

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*David Game College is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is our aim that all students fulfil their potential.*

Mr David Game:  
Principal and Proprietor

## **Introduction and rationale**

The staff and proprietor of the College seek to run all aspects of College business and activity with full regard for high standards of conduct and integrity. If members of College staff, parents, the proprietor or the College community at large become aware of activities that give cause for concern, the College has a whistleblowing policy; this acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the College's disciplinary procedure. The College is committed to tackling fraud and other forms of malpractice and treats these issues seriously. The College recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the College environment but also has recourse to an external party outside the management structure of the College.

David Game College has a culture of safety and of raising concerns. We also have a culture of valuing staff and of reflective practice. We have procedures for reporting and handling concerns, including about poor or unsafe practice and potential failures in the College's safeguarding regime, provision for mediation and dispute resolution where necessary. The College has in place a Risk Committee, which meets regularly to discuss risk matters and areas of concern or potential concern. David Game College has regard to KCSIE and is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others with serious concerns about malpractice or wrongdoing in the College's work are encouraged to come forward and voice those concerns without fear of victimisation. Whatever the source the Proprietor is committed to listening to the concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

## **Policy**

Both the Proprietor and employees have a responsibility to carry out their duties to the highest standards of openness, probity and accountability and to come forward when they have serious concerns about malpractice or wrongdoing in the work of the College.

## **Aims:**

- 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
- Reassure employees that they will be protected from reprisals of victimisation for whistleblowing in good faith
- There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. Employees with serious concerns about malpractice or wrongdoing should contact the proprietor.

## **Scope of Policy**

This policy is designed to enable an employee of the College to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety including safeguarding. Staff are expected to raise any issue about another member of staff who is acting in an inappropriate way towards a pupil, as well as raising concerns if they believe that any one of the two main DSLs are not passing issues on as required. This policy is intended to cover concerns that are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statute
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these.

## **Induction Training**

All new staff, including temporary staff and volunteers, must be provided with induction training that includes this whistleblowing procedure.

### **How to raise a concern – general**

Employees are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. If employees do not feel able to put their concern in writing the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, employees should try to make an immediate note of relevant details, e.g. what was said in a telephone or other conversation. Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to take action. When raising concerns employees must declare any personal interest they have in the matter. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern. However, they should not attempt to investigate a concern or accuse individuals directly. Employees may invite their trade union or professional association to raise the matter on their behalf.

### **How to raise a concern – main steps**

As a first step an employee should normally raise concerns with her/his immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if an employee believes that her/his immediate line manager is involved, the employee should approach the Principal.

### **How the College will respond**

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of College staff, the College's external auditors, legal or personnel advisors, the police or the regulatory bodies.

The action taken by the College will depend on the nature of the concern.

The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to an external auditor
- be referred to the Chair of the Board of Advisers
- form the subject of an independent enquiry
- be referred to the DfE or Ofsted (context dependent)

In order to protect individuals and the College, 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 (e.g. pupil protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures. Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the employee who has raised the concern within 10 working days:

- Acknowledging that the concern has been received
- Indicating how s/he proposes to deal with the matter
- Giving an estimate of how long it will take to provide a response.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Proprietor or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third

party referral such as the police. Employees raising a concern will be informed of the final outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party.

If the whistle blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Principal who is also the Proprietor.

### **Safeguards: Protection**

This policy is designed to offer protection to those employees of the College who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

The College will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the College.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

### **Untrue / Malicious Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

### **Monitoring**

All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Proprietor. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

### **Conclusion**

Existing good practice within the College in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the College operates, ensures that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the College. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the College's disciplinary procedure, which should cover all of the potential areas of concern.

If the whistleblower believes that they should whistleblow to an external agency (but not the media), they may do so.

There is an independent authority on whistleblowing: the Public Concern at Work. Their website can be found at [www.pcaaw.org.uk](http://www.pcaaw.org.uk). The website contains all relevant legislation, policy and publications for those concerned about malpractice. It provides free, professional and personal advice, a campaign to change policy, and provides a consultancy to employers.

Below is a list of external bodies and their relevant contact details.

<b>NSPCC:</b> whistle-blowing number 0800 028 0285
<b>LADO: for allegations against DSLs: 0207 332 1215</b>
<b>Ofsted:</b> 0300 123 3155 <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
<b>Ofqual:</b> 0300 303 3346 <a href="http://www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/">www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/</a>
<b>Secretary of State for Education:</b> 0370 000 2288 <a href="http://www.gov.uk/contact-dfe">www.gov.uk/contact-dfe</a> <a href="https://www.gov.uk/whistleblowing">https://www.gov.uk/whistleblowing</a>
<b>Acas:</b> 0300 123 1100
<b>Health and Safety Executive:</b> 0300 003 1647 <a href="http://www.hse.gov.uk/contact/raising-your-concern.htm">www.hse.gov.uk/contact/raising-your-concern.htm</a>
<b>Environment Agency:</b> 03708 506 506
<b>Corporation of London Prevent Officer:</b> David Mackintosh: 0208 356 4042

#### **Guidance on terminology used in this policy**

*Harassment:* A person is harassed when they are subjected to unwanted physical or verbal conduct which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

*Bullying:* A person is bullied when they are subjected to offensive, intimidating, malicious or insulting behaviour which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened.

Such behaviour may include:

- a staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague
- making physical or psychological threats
- overbearing supervision
- making inappropriately derogatory remarks about a pupil or colleague
- persistent unfair assessment of a pupil or colleague's work
- unfairly excluding students from classes, projects or events.

Bullying does not include reasonable and constructive criticism of a student or colleague's work/ behaviour.

John Dalton  
August 2019

Please note that the Chair of our Governance Advisory Committee is:  
Dr Steven O' Brien: email: [stevenobrien100@yahoo.co.uk](mailto:stevenobrien100@yahoo.co.uk)