



WHISTLEBLOWING POLICY – ALL STAFF

Introduction

Employees are often the first to realise that there may be something seriously wrong within the College or The Downs Malvern. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. 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.

The College and TDM are committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the College and/or TDM'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 employees can do something without fear of reprisals.

This Whistleblowing 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.

Aims and scope of this policy

This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the College or TDM's response;
- reassure you that you will be protected from reprisals or victimisation for whistle blowing in good faith. Consideration will be given to redeployment in certain circumstances, if you request it.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This policy is intended to cover concerns that fall outside the scope of other procedures.

The concern may be about something that:

- is unlawful
- is against the College's Standing Orders, Financial Regulations or policies; or falls below established standards or practice; or amounts to improper conduct by the College or by a member of staff including members of the College Council, volunteers, or contractors.

Wrongdoing

All staff are required to report their own wrongdoing, or any wrongdoing or proposed wrongdoing of any other member of staff or any conduct which they may suspect to be inappropriate to either their Headmaster or the Chief Operating Officer.

Safeguards

Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with *Keeping Children Safe in Education* (September 2023).

In particular:

Child protection policy: If you have any concern about a pupil's welfare, action should be taken immediately. You should report the concern to the Designated Safeguarding Lead or the Deputy Designated Safeguarding Lead in line with the child protection policy and procedures for full information about what to do if you have a concern about a pupil, including what to do if the Designated Safeguarding Lead is not available.

Safeguarding - member of staff: You should raise any concerns about another staff member with the Head, or if the concern is about the Head, with the Chair of the College Council (without first notifying the Head) or the Chair of TDM's Governors in accordance with the procedures in the Safeguarding Children (including child protection) Policy.

Whistleblowing policy: You should follow this procedure to raise concerns about poor or unsafe practices at the College and/or TDM or potential failures by the College and/or TDM or staff to properly fulfil its safeguarding responsibilities.

Harassment or Victimisation

We 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 responsible for the malpractice. The College/TDM will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistle blowing.

Confidentiality

We will do our best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the College/TDM's discretion .

In exercising 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.

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 allegations that are malicious or simply to cause anger, irritation or distress, disciplinary action may be taken against you.

How to raise a concern

As a first step, you should normally raise the concerns with your line manager or Head of Department.

This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Generally, your concern should be taken to your Line Manager or Head of Department, the Chief Operating Officer, Director of Human Resources, the Senior Deputy Head at the College or your Head. If an allegation is to be made against the Head, this should be made to the Chair of College Council/TDM's Governors or one of the Independent Listeners.

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person. The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

Advice and guidance on how matters of concern may be pursued can be obtained from:

- Head
- Chief Operating Officer
- Director of Human Resources
- the Independent listener

You may invite your trade union or professional association to raise a matter on your behalf.

How we will respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to Children's Services, the LADO, ISI or another statutory body
- form the subject of a complaints' inquiry

In order to protect individuals and the College/TDM, 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 will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, we will normally write to you:

- acknowledging that the concern has been received;
- indicating how it proposes 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; and telling you whether further investigations will take place, and if not, why not;
- the extent of the contact between the persons considering the issues and you, will depend on the nature of the matters raised the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

The College/TDM 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/TDM will offer you support.

The College/TDM accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

How the matter can be taken further

This policy is intended to provide you with an avenue to raise concerns. We hope you will be satisfied. If you are not, you are always entitled to take the matter up with the Chair of the College Council/TDM Governors. In addition, if you feel it is right to take the matter outside the College/TDM, the following are possible contact points:

- relevant professional bodies or regulatory organisations including your solicitor
- the Police

If you do take the matter outside the College/TDM, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Check with the contact point about that.

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