



**Whistleblowing Policy
2017**



Denton Community College Whistleblowing Policy

1.0 Foreword

The Council, in conjunction with the Tameside Teachers' Consultative Committee, has developed a model protocol and recommended it to Governing Bodies for adoption. Denton Community Governing Body has adopted it as a Policy.

2.0 Introduction

The Governing Body of Denton Community College is committed to achieving the highest possible standards of service and the highest possible standards in public life within a culture of openness and accountability. Accordingly, this Governing Body encourages employees, members of staff whether management, teaching or non-teaching, whether permanent or temporary, full-time or part-time, and other workers who come into contact with the College to use the procedure outlined in this policy in order to raise concerns of internal malpractice, illegal acts or omissions without fear of harassment or victimisation. The term “workers” is used below to encompass all such staff, employees and others.

The Governing Body is aware that, more often than not, it is workers who first become aware of areas of potential malpractice in relation to the way in which the Governing Body and management carries out its business. This Policy sets out the way in which such concerns can, and should, be raised by workers without fear of reprisal.

3.0 The Aim of this Policy

This policy aims to:

- Provide an avenue for workers to raise concerns and receive feedback (where appropriate) on any action taken;
- Allow workers to take matters further if they are dissatisfied with the Governing Body's response; and
- Reassure workers that they will be protected from reprisals or victimisation for 'whistleblowing' in good faith.

4.0 The Objectives of this Policy

This Whistleblowing Policy:

- Demonstrates that Denton Community College is committed to ensuring its affairs are carried out ethically, honestly, and to high standards;
- Is good employment practice;
- Shows that Denton Community College has introduced a procedure to protect public safety and public money;
- Will help develop a culture of openness, accountability and integrity;
- Will encourage workers to raise matters internally and enable them to feel they don't need to rush to the media to seek redress for matters that can be resolved
- Will contribute to the efficient running of the college and the delivery of services;



- Will help eliminate the potential for corruption, fraud and mismanagement; and
- Will help uphold the reputation of Denton Community College and all Tameside schools, and maintain public confidence in local education providers.

This list is indicative and not exhaustive.

5.0 The Scope of this Policy

The expression 'whistleblowing' is commonly used to describe circumstances where a worker makes a disclosure of a kind referred to within the Public Interest Disclosure Act 1998 ('The Act'). The Act was effected in order to afford protection to workers who report acts or omissions which could be described as falling within the following definitions:

- A criminal offence;
- Breach of a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of any individual;
- Damage to the environment; or
- Deliberately covering up of information tending to show any of the above five matters.

This list is indicative and not exhaustive.

In the event that a worker has concerns that something of this nature has occurred at Denton Community College then s/he should disclose all relevant information in accordance with the reporting mechanisms described later in this policy.

The Governing Body has a range of policies and procedures, which deal with standards of behaviour at work; they cover Discipline, Grievance, Capability, Harassment and Recruitment and Selection. Members of staff are encouraged to use the provisions of these procedures when appropriate.

There may be times, however, when the matter needs to be handled in a different way. This Policy is intended to cover concerns that fall outside the scope of other procedures for example:

- Malpractice or ill treatment of a student by a member of staff;
- Where a criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, particularly in relation to health and safety at work;
- Breach of standing financial instructions;
- Showing improper conduct in matters related to appointment; or
- A breach of a Code of Conduct; and/or information on any of the above which has been, or is likely to be, concealed.

Again, this list is indicative and not exhaustive.

In making such disclosures the worker will only be afforded protection by the Act in the event that any such disclosure is made:



- In good faith;
- If it is believed that the disclosure is substantially true;
- If the Whistleblower has not acted maliciously; and /or
- If the disclosure is not for personal gain.

Provided that the disclosure is of a kind described above and, additionally, it is made properly in accordance with those matters referred to in the first and last bullet points above, then the worker will be legally protected from suffering any detriment in relation to their employment as a result of having made that disclosure.

6.0 Confidentiality

The Governing Body will do its best to protect the identity of a worker who decides to make a disclosure in accordance with this policy and who does not want their name to be revealed. However, if a consequent investigation is initiated, it may be necessary to reveal the source of the complaint, and the Whistleblower may be asked to provide a relevant statement.

7.0 Designated Officer

The Governing Body has appointed the College Business Manager as a point of contact for concerns raised under the Whistleblowing Procedure. The Business Manager is a member of the Senior Leadership Team and is capable of being impartial and of taking an independent view on the concern raised.

8.0 Anonymous Allegations

The Governing Body encourages those making a disclosure to put their name to their allegation. Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Designated Officer. In exercising the discretion, the factors to be taken into account may include:

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

Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for the Governing Body, are more likely to be considered, despite the fact that they have been made anonymously.

9.0 Untrue Allegations

If a worker makes an allegation, which is made in good faith, but is not confirmed by the investigation, no action shall be taken against the Whistleblower. If, however, the allegation is considered to have been made either maliciously or vexatiously then disciplinary action may be taken.



10.0 How to Raise a Concern

First Step

- A worker with a concern should usually raise these with his/her immediate line manager first. The manager would then refer the matter to the Designated Officer. In the case of workers who are not members of staff the matter should be raised with the Designated Officer in the first instance.
- If the line manager is involved the worker should raise the concerns with the Designated Officer.
- If the Designated Officer is involved the line manager should raise the concerns with the Headteacher.
- If the Headteacher is involved the Designated Officer should raise the concerns with the Chair of Governors.
- If the Chair of Governors is involved the Designated Officer should raise the concerns with the Director of Services for Children and Young People.

Confirmation of concerns

- Concerns should be confirmed in writing setting out the background and history of the concern, giving names, dates and places where possible, and the reason for concern.
- Workers who do not initially feel able to put their concerns in writing should meet the Designated Officer.
- Advice and guidance on how matters of concern may be pursued can be obtained from Children's Services Human Resources or from trade unions or professional associations who may raise a matter on behalf of the worker.
- Trade union or professional association representatives will themselves have the protection given to complainants under the procedure, provided that they act in accordance with the procedure with regard to the information so disclosed.

The Governing Body's Initial Response

- The Designated Officer or line manager, if requested, will arrange an initial interview. At this stage, the Whistleblower will be reassured that s/he will be protected from possible victimisation, and will be asked if s/he wants to make a written or verbal statement. In either case, the Designated Officer or line manager will then write a brief summary of the interview, which will be agreed by both parties.
- As far as possible, the confidentiality of the Whistleblower will be protected, however this cannot be guaranteed.
- The Designated Officer or line manager will report to the Headteacher (or Chair of Governors), who may set up any further necessary investigations. This may include an external investigation.

11.0 The Investigation

In order to protect individuals and the Governing Body, 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. It may be necessary for an investigation to take place in strict confidence (with the individual(s) under investigation not being informed until necessary). If it is necessary to suspend a member of staff while the investigation takes place the procedure in the Disciplinary Policy will be used. Some concerns may be resolved by agreed action without the need for investigation, others may have to be referred to the Police, an external audit or form the subject of an independent inquiry.

The Governing Body recognises the contribution that trade unions can make to any inquiry and agrees to consult, where appropriate, with the recognised trade union/s about the issues, such as the scope of any inquiry and the implementation of the recommendations of the inquiry

The Designated Officer will endeavour to:

- Confirm receipt in writing (within five working days) of a concern being received, acknowledging that the concern has been received; and;
- Write (within ten working days) indicating how s/he proposes to deal with the matter, where possible giving an estimate of how long it will take to provide a response, detailing whether any initial enquiries have been made, and whether further investigations will take place, and if not, why not.

The matters raised will always be investigated internally and then may:

- Be disposed of without further action;
- Be subject to internal action
- Be referred to the Police;
- Be referred to an External Auditor; and/or
- Form the subject of an independent inquiry.

In order to protect individuals and the Governing Body, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

12.0 How the Governing Body will respond

Following the Investigation the Designated Officer will (subject to legal constraints) inform both the Headteacher (or Chair of Governors) and the Whistleblower of the result of the investigation. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned).

If the investigation shows there is a case to be answered, the Disciplinary or Capability Procedure may be used.

If there is no case to answer, the Designated Officer or line manager will inform the Headteacher (or Chair of Governors) of this fact.

Disciplinary action may be taken against the Whistleblower where a false allegation is made maliciously.



13.0 Records

A note of the concern raised, how it was resolved, and copies of any records associated with the investigation will be stored confidentially for at least 12 months following resolution.

14.0 Further Recourse

This policy is intended to provide workers with a way in which to raise concerns within the Governing Body. If the Whistleblower is not satisfied with the outcome of the investigation, the Whistleblower may make a disclosure to a prescribed person, such as the Health and Safety Executive, Audit Commission, the Environmental Agency, OFTEL, OFFER, OFWAT, OFGAS, Rail Regulator, FSA, Serious Fraud Agency, Inland Revenue, Customs and Excise, DTI, Office of Fair Trading, Trade Union Certification Officer, Charity Commissioners, Data Protection Registrar, the local Council or Public Concern at Work, notwithstanding the result of the investigation.

If the Whistleblower chooses to take the matter outside the College, the Whistleblower will need to ensure that s/he will not disclose confidential information; in this regard the Whistleblower should first check with the Designated Officer.

15.0 Responsible Officer

The Designated Officer has overall responsibility for the maintenance and operation of this policy. The Designated Officer will maintain a record of concerns raised, and the outcomes (in a way which does not endanger confidentiality), and shall report as necessary to the Governing Body.

16.0 The Laws

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which protects workers who take action over, or raise concerns about, health and safety at work.

17.0 Dissemination

This policy is shared with all staff through the Staff Handbook. Parents are advised of the policy on an annual basis via the School Prospectus.

18.0 Monitoring, Evaluation and Review

The governing body will review this policy on a three-yearly basis and receive an annual report from the Headteacher.

Compliance is monitored by the Headteacher and the Designated Officer.