

WHISTLEBLOWING POLICY

St. Bede's College is a Catholic Independent Co-educational 3 – 18 Grammar School, founded in 1876 by Cardinal Vaughan, which endeavours to transmit the message of the Gospel rooted in the teachings of Jesus Christ.

St. Bede's College welcomes Catholic and non-Catholic pupils. Every pupil should experience educational excellence and exhibit values through the unique contribution each member makes to the rich diversity of the College community.

St. Bede's dedication to the pursuit of learning and his search for knowledge of the Lord is an inspiration to us all.

INTRODUCTION

WHAT THE LAW SAYS - SUMMARY

Following a number of high profile events, the government introduced the Public Interest Disclosure Act 1998 (PIDA), which provides legal protection against detriment for workers who raise concerns in the public interest (also known as making a disclosure) about a danger, risk, malpractice or wrongdoing in the workplace which affects others.

To be protected, the disclosure must be in the public interest, the worker must have a reasonable belief that the information shows that one of the categories of wrongdoing listed in the legislation has occurred or is likely to occur, and the concern must be raised in the correct way.

This Policy applies to the College and Prep School (3-18)

POLICY STATEMENT

All persons employed by St Bede's College are under an obligation implied in their contract of employment to give honest and faithful service to their employer. This includes an obligation not to disclose to external sources any confidential information acquired during the course of employment or act in a manner that will undermine the mutual trust and confidence on which the employment relationship is based. The purpose of this policy is to provide a means by which staff are enabled to raise concerns with the appropriate College authorities if they have reasonable grounds for believing there is serious malpractice within the school. Staff are encouraged to raise matters of concern responsibly through the procedures laid down in this policy statement.

When reading this policy the contents of Keeping Children Safe in Education (DFE 2020) and the College safeguarding policy should also be considered.

SCOPE OF THE POLICY

The policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest, and are detailed in below, and which fall outside the scope of other school policies and procedures. The policy will not apply to personal grievances concerning an individual's terms and conditions of employment or other aspects of the working relationship, complaints of bullying or harassment or disciplinary matters. Such

complaints will be dealt with under existing procedures on grievance, bullying and harassment, discipline and misconduct.

The policy deals with specific concerns which are in the public interest including:

- a criminal offence
- failure to comply with legal obligations or with the regulations of the school
- financial or non-financial maladministration, malpractice, impropriety or fraud
- academic or professional malpractice
- a risk to the health or safety of any individual
- environmental damage
- a perceived miscarriage of justice
- improper conduct or unethical behaviour
- attempts to suppress or conceal any information relating to any of the above.

If in the course of investigation any concern raised in relation to the above matters appears to the investigator to relate more appropriately to grievance, bullying, harassment or discipline, those procedures will be invoked.

RAISING CONCERNS

Any member of staff who has a reasonable belief that there is serious malpractice relating to any of the protected matters specified above may raise a concern under the procedure detailed below. The issues raised may relate to another member of staff or a group of staff or a member of the Governing Body. Concerns must be raised without malice and in good faith and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The disclosure must not be made for purposes of personal gain and in all the circumstances it must be reasonable to make the disclosure. The School will ensure that any member of staff who makes a disclosure in such circumstances will not be penalised or suffer any adverse treatment for doing so. However, a member of staff who does not act in good faith or makes an allegation without having reasonable grounds for believing it to be substantially true, or makes it for purposes of personal gain or makes it maliciously, may be subject to disciplinary proceedings.

In view of the protection afforded to a member of staff raising a bona fide concern, it is preferable the individual puts his/her name to any disclosure. The identity of the person raising the matter will be kept confidential, if so requested, for as long as possible provided that this is compatible with a proper investigation. Anonymous complaints are not covered by this procedure but may be reported, investigated or acted upon as the person receiving the complaint sees fit (including the use of this procedure), having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter and fairness to any individual mentioned in the complaint.

PROCEDURE

Normally any disclosure about a protected matter listed above should be made in the first instance to the Headteacher. If the disclosure is about the Headteacher, the member of staff may raise the concern with the Chair of Governors. The person to whom the disclosure is made will decide whether the matter should be dealt with under this procedure. If he considers that the matter should be dealt with under a different College procedure, he will advise the person making the disclosure as to the appropriate steps which should be taken.

The person to whom the disclosure is made will normally consider the information and decide whether there is a prima facie case to answer. He will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be:

- investigated internally
- referred to the School's Auditors
- the subject of independent enquiry

Some matters following investigation, will need to be referred to the relevant outside body, e.g. the Police. If the person to whom the disclosure is made decides not to proceed with an investigation, the decision will be explained as fully as possible to the individual who raised the concern. It is then open to the individual to make the disclosure again to another of the persons specified above, if s/he so wishes.

INVESTIGATION

Any investigation will be conducted as sensitively and speedily as possible. The employee will be notified of the intended timetable for the investigation. The person to whom the disclosure is made may authorise an initial investigation to establish the relevant facts. The investigation may be conducted by the School's Auditors in the case of a financial irregularity or by another person. The investigator will report his or her findings to the person to whom the disclosure was made who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority to set up a special internal independent investigation or reference to some external authority, such as the police, for further investigation. The decision may be that the matter would be more appropriately handled under existing procedures for grievance, bullying and harassment or discipline.

Where disclosure is made, the person or persons against whom it is made will be told at an early stage of it and of the evidence supporting it. They will be allowed to respond. The individual making the disclosure will be informed of what action is to be taken.

Should an investigation or referral lead the conclusion there has been a breach of school discipline, the member(s) of staff responsible may, in addition to any civil or criminal proceedings, be subject to disciplinary action in accordance with the appropriate disciplinary procedures for the relevant category of staff.

RECORDS

An official written record will be kept of each stage of the procedure.

REPORTING OF OUTCOMES

A report of all disclosures and subsequent actions taken will be made by the persons deciding on the issues. This record should be signed by the Investigating Officer and the person who made the disclosure and also dated. Where appropriate, the formal record need not identify the person making the disclosure but, in such a case, that person will be required to sign a document confirming that the complaint has been investigated. Such reports will normally be retained for at least five years. In all cases a report of the outcome will be made to the Governing Body whose secretary will refer the report on to the appropriate persons.

ADVICE FOR STAFF RAISING A CONCERN

The College acknowledges the difficult choice a member of staff may have to make in raising a concern as the issues that prompt the concern are likely to be complex. How the member of staff proceeds with his or her concern will vary from situation to situation.

See Appendix 1 for further support.

COMPLAINTS OF RETALIATION AS A RESULT OF DISCLOSURE

The College accepts that it has an obligation to ensure that staff who make a disclosure without malice and in good faith are protected, regardless of whether or not the concern raised is upheld. A member of staff who has made a disclosure, and who feels that as a result s/he has suffered adverse treatment, should submit a formal complaint under the grievance procedure. If it appears that there are reasonable grounds for making the complaint, the onus will be on the person against whom the complaint of adverse treatment has been made to show that the actions complained of were not taken in retaliation for the disclosure.

Where it is determined that there is a prima facie case that a member of staff has suffered adverse treatment, harassment or victimisation as a result of his or her disclosure, a further investigation may take place and disciplinary action may be taken against the perpetrator in accordance with the relevant procedure.

EXTERNAL DISCLOSURE

If, having exhausted this procedure, a member of staff is not satisfied with the College's response and reasonably believes that the information disclosed and any allegation contained in it are substantially true, s/he is at liberty to take the matter further by raising it with certain bodies or persons such as

- a legal adviser

A member of staff who makes an external complaint in good faith to any prescribed body or person after exhausting the School's procedures will be protected against victimisation or other adverse treatment.

Agreed by:	Chair of Governors and Governing Body
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Date:	June 2018
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Effective date of the policy	June 2018, reviewed September 2019, September 2020
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Date of Review:	September 2021
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Appendix

Advice for staff raising a concern

- Raise the concern immediately or your earliest opportunity
- Think if the concern can be discussed in an informal way
- Find out if others share your concerns – care confidentiality
- You may want to seek independent advice from your Union or contact national Whistleblowing Helpline 0800 724 725
- Try to sort things out with support from the College
- When you report your concern, focus on factual information – dates and times, what happened, order of events, who was involved, any witnesses. Be honest and professional at all times.
- Try to present information clearly and with as much information as possible – verbally or in writing.
- Check what happens next
- Keep track of what is happening
- Maintain confidentiality

Where a staff member feels unable to raise an issue or feels a genuine concern is not being addressed, other whistle blowing channels are available, details of which are set out as follows:

NSPCC Whistleblowing Helpline help@nspcc.org.uk 0800 028 0285
Keeping Children Safe in Education Part 1 September 2019 page 14
Whistleblowing Helpline (03001233155)

Anonymous concerns are difficult to deal with. More action is likely and possible if your identity is known when you report something.