

Policy Lead: CET	Creation Date: 24/02/2016	Revision due: Feb 2022
Date of Amendment:	Staff Initials:	
01/02/18	JA	
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## **Reporting of Malpractice POLICY (Whistleblowing)**

**School Tier:** Whole School

### **Related Policies:**

#### **POLICY AIMS**

Through the operation of this policy we aim to: confirm the College's commitment to openness and to provide guidance relating to malpractice issues.

#### **1. Introduction**

- 1.1 The College is committed to adopting high standards in education/administration and will treat malpractice as a serious matter.
- 1.2 The Public Interest Disclosure Act 1998 provides protection from dismissal, or other sanction, for teachers and support staff who make disclosures of information relating to malpractice by their employer or colleagues at work.
- 1.3 Employees are often the first to suspect or realise that there may be something wrong in their place of work but may not express concerns because of feelings of disloyalty to colleagues or fears of harassment and victimisation.
- 1.4 In line with the College's commitment to openness, probity and accountability teachers and others with serious concerns about any aspect of the College's work are encouraged to report them, and if necessary in certain circumstances, on a confidential basis.
- 1.5 This Policy is designed so as to make it clear that teachers and indeed other members of staff should feel enabled to raise concerns without fear of reprisal rather than overlooking a problem or reporting the matter outside of the College.

#### **2 The Public Interest Disclosure Act 1998**

- 2.1 The Public Interest Disclosure 1998, also known as the '**Whistleblowers Act**' provides protection for employees who disclose information which may be regarded as confidential and which tends to show one or more of the following:

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- 2.1.1 a criminal offence has been, is being, or is about to be committed;
- 2.1.2 the employer is failing to comply with his legal obligations;
- 2.1.3 a miscarriage of justice has happened or is likely to happen;
- 2.1.4 an individual's health and safety is being jeopardised;
- 2.1.5 the environment is, or is likely to be damaged; and
- 2.1.6 information falling into any one of the above categories which has been, is being or is likely to be, deliberately concealed.
- 2.1.7 Safeguarding concerns (see safeguarding policies)
- 2.2 An employee must have a reasonable belief that a crime has or may be committed. An employment tribunal will decide whether or not such a belief was reasonable.
- 2.3 In deciding whether or not an employee has acted reasonably, all circumstances will be taken into consideration but in particular,
  - 2.3.1 the identity of the person to whom the disclosure is made;
  - 2.3.2 the seriousness of the relevant 'offence';
  - 2.3.3 whether the 'offence' is continuing or is likely to occur in the future;
  - 2.3.4 whether the disclosure is made in breach of a duty of confidentiality owed by the employer to any other person;
  - 2.3.5 any action the employer or prescribed person might reasonably be expected to take as a result of a previous disclosure; and
  - 2.3.6 whether in making the disclosure to the employer the employee complied with procedures applied by the employer.
- 2.4 Protection applies where 'external' disclosures are made to such bodies as the police. In such instances the College would expect to be satisfied that internal sources had been advised first or that the teacher/s or support staff member believed they would have been victimised or evidence would have been concealed or destroyed. External disclosures must be made in good faith in the belief that allegations are substantially true and there should be no motive for personal gain.
- 3 Application of Policy**
  - 3.1 The Policy applies to all teaching staff and the support staff employed by the College, both full and part-time and temporary, including Governors, contractors, volunteers, placement students, casual workers and agency

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workers. References to teachers and support staff within the Policy cover all of these categories.

- 3.2 The Policy aims to provide an avenue for teachers to raise concerns and receive feedback on any action taken. Employees may take matters further if they are dissatisfied with responses received. Employees will be reassured that they will be protected from reprisals or victimisation for whistle blowing in good faith.
- 3.3 This policy is intended to cover concerns which fall outside the scope of other procedures which already are included in or covered by other Policies e.g. bullying and harassment, discrimination, etc.

### **4 Protection of Staff**

- 4.1 The College is wholly committed to this Policy. If an employee raises a concern in good faith, the College will protect them against harassment or victimisation and will, if necessary, apply the Disciplinary Procedure.
- 4.2 In accordance with the Public Interest Disclosure Act 1998 a teacher cannot be dismissed or selected for redundancy as a result of making a disclosure in good faith.
- 4.3 Employees who already are the subject of disciplinary, grievance or redundancy procedures will not have those procedures stopped or suspended as a result of their whistle blowing.

### **5 Confidentiality**

- 5.1 The College recognises that teachers and Support staff may want to raise concerns in confidence under this policy.
- 5.2 If employees request that their identities be protected, the College will make every endeavour to honour that request.
- 5.3 If a situation arises where a concern cannot be resolved without revealing the employee's identity, the College will discuss with the employee whether and how progress can be made. It may be that evidence, either written or verbal, is required in court proceedings.

### **6 Anonymous Reports**

- 6.1 The College encourage employees to put their names to allegations because concerns expressed anonymously are much less powerful. Although the school will consider anonymous reports, this policy is not appropriate for concerns raised anonymously.

### **7 The Procedure for Expressing Concerns**

- 7.1 As a first step employees should raise concerns with the Heads, or the Deputy Heads. This may be done either orally or in writing. If the report is made orally, it should be followed up in writing.
- 7.2 If an employee feels unable to raise a concern with the Heads, or Deputy Heads, the member of staff shall have right of access to the Custos or Chair of

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Governors (usually through the Clerk to the Governors) who will either investigate the matter or have the matter investigated on his behalf.

- 7.3 The employee will have the opportunity to decide whether or not s/he wishes to remain anonymous.

All correspondence should be marked 'Private and Confidential' and addressed to the appropriate individual at:

Worksop College, Worksop, Notts S80 3AP

## 8. Oral Reports

- 8.1 It is preferable that all complaints are made in writing and signed. However, it is recognised that some teachers may wish only to report the matter orally. In this case, the person receiving the oral report should write it down immediately and record the date and time and sign it. It should, if possible, be read back to the employee to confirm its accuracy.

Action should be taken to have the complaint investigated as soon as practicable.

## 9 External Contacts

- 9.1 This Policy is intended to provide an employee with an avenue to raise concerns within the College. If he is not satisfied and if he feels it is right to take the matter outside the College. Circumstances where a member of staff could raise a concern directly with an external body are when it is reasonably believed that,
- 9.1.1 Exceptionally serious circumstances justify it;
- 9.1.2 The school would conceal or destroy the relevant evidence;
- 9.1.3 They believe they would be victimised by the school.

## 10 Abuse of this Procedure

10.1 It is expected that teachers/support staff will operate within the spirit of this policy, with integrity. However, use of this procedure to:

- make cynical, frivolous, mischievous or vexatious allegations,
- distract from other issues,
- divert attention from or action in the application of other procedures,
- defame or perpetrate malicious falsehoods

is likely to constitute misconduct and be dealt with under the College's disciplinary procedure.

### **References:**

Legal Framework:

General Guidance:

Technological:

Boarding Schools:

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**Appendix:**