



St Joseph's College

Whistleblowing Policy

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Policy Author -	Mr G Mantillas (Acting Headteacher)

*To inspire the minds of all generations through education, with fearless faith.
As a united community we demonstrate our Lasallian values of faith, service, and respect.*

Mission Statement

Contents

1. Introduction.....	3
2. Aims of the Procedure	3
3. Application of the Procedure	4
4. This Policy Does NOT Apply To:.....	4
5. Designated Assessors	4
6. Making a Disclosure.....	4
7. Low Level Concern.....	6
8. Enquiries and Report by Headteacher/Chair of Governor/ Designated Assessor	7
9. External Disclosure	7
10. Safeguards and Confidentiality.....	8
11. Monitoring	9
12. Review.....	9
APPENDIX A - WHISTLEBLOWING PROCEDURE	10

1. Introduction

The Governing Board is committed to the provision of high-quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of the colleges' work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage.

It is in the interests of the Governing Board, employees and the public that wrongdoing is exposed and dealt with effectively. Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances, it will be appropriate for staff to raise their concerns with their Headteacher/manager and this procedure is not intended to discourage this. However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to their School, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to their Headteacher/manager and received an unsatisfactory response. This confidential procedure is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively.

This procedure seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff, the college and members of the Council against uninformed or vexatious allegations, which can cause serious difficulty for innocent individuals.

2. Aims of the Procedure

To promote a culture of openness and a shared sense of integrity throughout the school by inviting all employees to act responsibly in order to uphold the reputation of the school and maintain public confidence.

To provide safeguarding procedures so that members of staff feel confident to raise concerns about malpractice ('a disclosure') within the school, without fear of adverse repercussions to the individual and a rapid mechanism for investigation of those concerns.

To provide feedback on action taken and advice on how to pursue those concerns further if the individuals is not satisfied with the outcome.

"Malpractice" for the purpose of this procedure, includes the following on the part of another employee, a member of the Council or School, or any other person or persons acting on behalf:

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other criminal offences;
- Failure to comply with a legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health or safety of any individual;
- Endangering the environment;
- Improper use of authority or powers;
- Serious financial maladministration arising from the deliberate commission of improper conduct;
- Unethical or improper conduct or conduct which breaches School/Council policies or falls below the standards which the School/Council subscribes to;

- Abuse of clients, improper discrimination against or relationship with clients;
- Concealment of any of the above.

3. Application of the Procedure

This procedure is intended to tackle genuine concerns of malpractice experienced by:

- an employee of the college;
- agency staff and self-employed staff employed on college work; or
- the staff of Council contractors employed on college work.

For the purposes of this procedure an individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the college is referred to as ‘the discloser’.

4. This Policy Does NOT Apply To:

- the relationship between employees, their managers and the Governing Body, for which harassment and bullying or collective dispute procedures are more appropriate.
- concerns and complaints by members of the public.
- agency, self-employed or contract workers as an alternative to such dispute resolution procedures.

5. Designated Assessors

Designated Assessors are senior members of staff of appropriate experience and standing within the Council who have received appropriate training in this procedure and have been appointed to act as “Designated Assessors” by the Director for Children, Young People and Learners Department (CYP&L), formerly known as the Education Department.

Following receipt of a disclosure the Departmental Complaints Officer in CYP&L will identify a Designated Assessor who will be responsible for the preliminary investigation of a disclosure and making recommendations to the Council’s Monitoring Officer and Director for CYP&L as to what further steps, if any, should be taken.

A Designated Assessor may decline to investigate a disclosure on reasonable grounds such as:

- previous involvement or interest in the matter concerned;
- incapacity or unavailability;
- if satisfied, after consulting the Departmental Complaints Officer (CYP & L), that some other Designated Assessor would be more appropriate to consider the matter.

6. Making a Disclosure

Stage One

An individual, who has grounds to believe that the malpractice has occurred, is occurring or is likely to occur in connection with the college, should raise their concerns first with their Headteacher/manager. This may be done orally or in writing.

Stage Two

If the individual feels unable for whatever reason to raise the matter with their Headteacher/Line Manager under stage one, then they should raise the matter with their Chair of Governors.

On receipt of the disclosure, the Headteacher/Chair of Governors will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Headteacher/Chair of Governors may also be accompanied by an administrative assistant/clerk to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see section 9 below.

The purpose of the interview will be for the Headteacher/Chair of Governors to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice; and
- to consult with the Discloser about further steps which could be taken.

Stage Three

If stage one and/or two have been followed and the individual still has concerns, or if they feel that the matter is such that they feel they cannot raise it with their Headteacher or the Chair of Governors, for example because it concerns them or it is very serious, then the Discloser should communicate the disclosure through the Council's Departmental Complaints Officer (DCO) in CYP&L by an email to schoolwhistle@croydon.gov.uk or by telephone on 0208 760 5496. Alternatively, there is a confidential reporting facility provided by the Council - Focus, Tel No: 0800 854572 - Focus will record full details of the allegations and once noted, a full report will be passed on to the Council's DCO in the Department for CYP & L who will refer it to a Designated Assessor to be dealt with in accordance with this procedure.

The initial disclosure should be made either:

- wherever possible, in writing;
- otherwise orally, e.g. by telephone or at interview with a Designated Assessor.

The Discloser should provide as much supporting written evidence as possible about the disclosure, the grounds for the belief of malpractice and indicate why they have not felt able to raise their concerns through normal management channels.

Where a disclosure is made through the Council's confidential reporting facility, full details of the allegations will be recorded and report passed on to the DCO (CYP & L) for referral to one of the Designated Assessors. The Discloser may not wish to provide their identity and if he/she does provide these details, they will not be passed to the Departmental Complaints Officer (CYP & L) or any other College employee without the Discloser's express consent.

Disclosers are encouraged to give details of their identity. Anonymous disclosures are much less powerful but will nevertheless be considered having regard to:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation through other suitable sources.

On receipt of the disclosure, the Designated Assessor will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Designated Assessor may be accompanied by an administrative assistant to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see section 9 below.

The purpose of the interview will be for the Designated Assessor to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice; and
- to consult with the Discloser about further steps which could be taken.

7. Low Level Concern

As part of our whole school approach to safeguarding, the college promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the college (including supply teachers, volunteers and contractors) can be raised and will be dealt with promptly and appropriately.

Creating a culture in which all concerns about adults or their behaviour towards children, (including allegations that do not meet the harms threshold (see Part Four - Section one)) will be shared responsibly and with the right person, recorded and dealt with appropriately.

This will enable the college to identify concerning, problematic or inappropriate behaviour early, minimise the risk of abuse. and ensure that adults working in or on behalf of the college are clear about professional boundaries.

What is a low-level concern?

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out in paragraph 355 KCSIE 2023. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the college may have acted in a way that isn't quite right. This may be that they are inconsistent with the staff code of conduct, including inappropriate conduct outside of work. and does not meet the allegations threshold or is otherwise not considered by the LADO to be serious enough to consider a referral.

It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four - Section one KCSIE 2023), are shared responsibly and with the right person (Headteacher and/or DSL), and as a result will be recorded and dealt with appropriately. Ensuring they are dealt with effectively will also protect those working in or on behalf of the college from potential false allegations or misunderstandings.

Low level concerns will be shared as with any other concerns and recorded for future reference in order to identify any potential patterns of inappropriate behaviour. All records will be kept securely and confidentially and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). More detailed guidance and case studies on low-level concerns can be found in Developing and implementing a low-level concerns policy (farrer.co.uk).

Please also refer to the colleges, 'Code of Conduct' policy for further guidance on this.

Organisations or Individuals using School Premises

Where the college receives an allegation relating to an incident that happened when an individual or organisation was using our school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities), the college will follow safeguarding policies and procedures, including informing the LADO.

8. Enquiries and Report by Headteacher/Chair of Governor/ Designated Assessor

As soon as practicable after the interview or after the initial disclosure if no interview takes place, (and after consultation with the DCO in CYP & L) the Headteacher/Chair of Governors or the Designated Assessor should determine their recommendations as to the further steps that should be taken such as:

- a report to the police or other appropriate public authority;
- investigation by the Council's Internal Auditor (this will be the usual course where there are allegations of financial irregularities);
- a full investigation either internally by the Council or externally e.g. by the Council's auditors or by investigators appointed by the Council;
- action under the College's grievance, disciplinary, harassment and bullying or complaints procedures;
- referral for consideration under other specific procedures (e.g. child protection);
- no further action (the basis for which see below).

The Headteacher/Chair of Governor's or Designated Assessor's recommendations will be made to the Council's Monitoring Officer and the Director for CYP&L to decide whether or not they agree with them. The recommendation will be made without revealing the identity of the Discloser except in the circumstances set in Section 9 below.

If the Council's Monitoring Officer and the Director for CYP&L decide not to implement fully any such recommendations, that decision will be reported in the next periodic report to the Standards Committee.

The grounds on which the Headteacher/Chair of Governor or Designated Assessor may recommend that no further action are as follows:

- if satisfied that the Discloser has not shown that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur
- if satisfied that the Discloser is not acting in good faith e.g. if after investigation it appears that the disclosure is wilfully malicious or vexatious,(in which case it may be referred for disciplinary action)
- if the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority
- if the matter is already, has already been, or should be, the subject of proceedings under one of the College/Council's other procedures relating to staff.

Once it has been decided what further steps (if any) should be taken, the Headteacher/Chair of Governors or Designated Assessor will, where their identity is known, inform the Discloser of the decision. If no further action is proposed, the Headteacher/Chair of Governors or Designated Assessor will give the Discloser the reasons for this in writing.

If the Governing Body decides not to fully implement any recommendations, the Director for CYP&L reserves the right to issue a warning and to inform the Secretary of State.

9. External Disclosure

It is recognised that in exceptional circumstances, or if dissatisfied after using this procedure, an individual might wish to make a disclosure without using the college's procedure. However,

Individuals considering such a step are advised to take legal advice before making an external disclosure.

They may make an external disclosure:

- on a confidential basis directly with bodies such as the external auditor or other appropriate public authority or such person as may be prescribed by the Secretary of State under Section 43F of the Public Interest Disclosure Act 1998. Before taking any such action, the Discloser is encouraged to inform the Headteacher/Chair of Governors or Designated Assessor.
- if they have reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that the Discloser will be subjected to a detriment as a result of making the disclosure.
- on a confidential basis for the purpose of taking legal advice.

10. Safeguards and Confidentiality

Any document, report or recommendation prepared by the Headteacher/Chair of Governors or Designated Assessor in relation to the matter will not identify the Discloser, unless:

- the Discloser has consented to this in writing; or
- there are grounds to believe the Discloser has acted maliciously; or
- where the Headteacher/Chair of Governors or Designated Assessor is under a legal obligation to do so; or
- where the information is already in the public domain; or
- on a strictly confidential basis to the Designated Assessor's administrative assistant; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The Headteacher/Chair of Governors or Designated Assessor will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Headteacher/Chair of Governors or Designated Assessor and his or her administrative assistant shall have access to it.

Disclosers will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain. Where the Trade Union representative needs to discuss the matter with another Union official for advice he/she will be allowed to do so but must keep within the confines stated above.

The Discloser will not be required by the Governing Body, without his or her consent, to participate in any enquiry or investigation into the matter established by the college unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice.

Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Headteacher/Chair of Governors or Designated Assessor detailed above will remain in relation to the identity of the individual as the original Discloser of information.

The Governing Body will not (and it will use all reasonable endeavours to ensure that employees do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this procedure (unless there is proved abuse of this procedure through the making of wilfully malicious or vexatious disclosures). The Discloser should report any complaints of such treatment to the Headteacher/Chair of Governors or Designated Assessor. If the Discloser wishes the

Headteacher/Chair of Governors or Designated Assessor to take action in relation to such complaints, the Discloser may be asked to consent in writing to the Headteacher/Chair of Governors or Designated Assessor revealing the Discloser's identity for the purposes of any such action.

11. Monitoring

The Council's Monitoring Officer will produce an annual report for the Standards Committee on the use of this procedure and the outcome of investigations, including disclosures where no further action is taken. Such reports will not normally identify the Discloser.

12. Review

This procedure may be amended by the Council from time to time.

This procedure will be reviewed periodically by the Standards Committee. Any comments or suggestions about the procedure should be referred to the Council's Monitoring Officer.

Further information

Standards Board for England

London Borough of Croydon - Anti-Fraud and Corruption Policy

Department of Trade & Industry - Employment Relations Directorate

Who to Contact for Advice on the Procedure

Departmental Complaints Officer in CYP & L

Email: schoolwhistle@croydon.gov.uk

Telephone: 0208 760 5496.

GUIDANCE FOR HEADTEACHERS/MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. School/College Headteachers/Managers should ensure that employees are aware of the Whistleblowing Procedures and know where it can be located.
2. If you receive a disclosure in respect of any of the matters set out under section 2 'Aims of the procedure' in the Whistleblowing Procedure you must take the following action:
 - 2.1 take the matter seriously and do not dismiss or belittle the information,
 - 2.2 respect as far as possible the confidentiality of the employee, and adhere to the procedure under section 9 'Safeguarding's and confidentiality' where the employee has specifically asked for confidentiality,
 - 2.3 ensure that the employee understands the Whistleblowing procedure,
 - 2.4 offer to interview the Discloser in confidence,
 - 2.5 discuss ways that the employee could be supported,
 - 2.6 investigate the concern objectively, dealing with all parties with sensitivity and tact,
 - 2.7 seek advice from the Council's Departmental Complaints Officer in CYP&L,
 - 2.8 set out clearly how the concern is to be taken forward,
 - 2.9 ensure that dated notes are made and kept of the process followed, notes of discussions etc.,
 - 2.10 keep the person raising the concern informed about the progress made and outcome of the investigation,
 - 2.11 provide the Council's Departmental Complaints Officer in CYP&L with details of the concern and inform them about the progress and outcome of the investigation.
3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the Council's Departmental Complaints Officer in CYP& L.
4. Note that if the concern relates to fraud, this should be reported to the Council's Internal Auditor.