



Whistleblowing Policy

Staff responsible: Deborah Ellis (Vice Principal)

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Date Ratified: December 2022

Signed:

Version:

Whistle Blowing Procedure

Raising a Concern

- Wherever possible employees should initially raise all concerns openly with their line manager or the Principal.
- Where the complaint involves the Principal complaints may be raised with the Chair of Governors
- Should the Principal have concerns – these should be raised with the Chair of Governors in the first instance.
- Concerns must be raised in writing to the Principal using the Whistleblowing form (Appendix 1)
- A concern raised in writing should:
 - Set out the background and history of the concern - giving names, dates and places where possible
 - Give the reason why the Employee is particularly concerned about the situation
 - Outline what the member of staff has already done regarding the concerns: Whistleblowing form should be filled in.
 - For clarity it would be helpful for the Employee to state that they wish their concerns to be addressed under the whistleblowing procedure
- An Employee is not expected to prove the validity of their concern(s). However, they will need to demonstrate that there is a reasonable suspicion for their complaint.
- An Employee may invite a Trade Union representative to support them in raising a concern or raise the matter on their behalf or at a subsequent meeting to explore the complaint.

How the College will respond

- Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the Employee who has raised the concern.
- On occasion it may not be appropriate for the Principal to progress the concern and the matter may be referred to another member of the Senior Leadership Team by the Principal within the College or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation. Where it is not possible to resolve the matter informally, the action taken by the College will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to the School's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the Local Authority

Within 10 working days of receipt of any concern, the person progressing the matter will write to the Employee to:

- Acknowledge that the concern has been received
- Indicate how and through whom the School proposes to address the matter including whether further investigation or referral to another organisation will be made
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the Employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required. In instances where an investigation is prolonged or referral to an external agency takes place – arrangements will be made to provide the Employee with situational updates as far as is practicable.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred
- The matter is / has been the subject of internal proceedings under another school policy
- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false and malicious or vexatious complaint has been made

Notification of the Outcome of the Concern

DSTC recognises that an Employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances however it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the Employee will be advised that the matter has been addressed or concluded as far as is practicable. Where a matter is not to be considered further the Employee who raised the complaint will be advised of this in writing.

How the matter may be taken further

This procedure is intended to provide Employees with a mechanism to raise concerns internally within DSTC. Should this process be exhausted and the Employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the College.

An Employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside DSTC, an Employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

Protection and Support for Employees

DSTC will take reasonable measures to support and protect Employees who raise concerns.

Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an Employee believe they have been subject to detriment or retribution they should report this to the Chair of Governors who may address the matter in accordance with the College's disciplinary procedure.

No action will be taken against an Employee where concerns raised are subsequently unproven. However, disciplinary action may be taken against individuals who knowingly make 'false, malicious and / or vexatious allegations.

Should an employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost and the Employee may be subject to the College's disciplinary procedures.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for DSTC to assess and investigate the issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the College aware of this when raising their concern(s).

Where appropriate every effort and consideration will be given to arrangements to maintain the Employee's confidentiality – including off site meetings where appropriate. Every effort will be made not to reveal the Employee's identity, without their prior consent, if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external / police investigation where disclosure is required. An Employee will be advised should there be a possibility that their confidentiality cannot be maintained.

Anonymous Concerns

- Employees are encouraged to put their name to any allegation where possible.
- Anonymous allegations will be considered and investigated at the School's discretion.
 - In exercising the discretion, the following factors may be considered:
 - The seriousness of the issues raised
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from attributable sources
- It should be noted that it may be more difficult to address the concern, support an employee or advise them of the outcome where a concern is reported anonymously.

Support

Employees who raise a concern may wish to make use of the confidential counselling service provided by DSTC if appropriate. Employees may also wish to consult their professional association or Trade Union if they are a member. Should an employee be required to give evidence in criminal or disciplinary proceedings – consideration will be given to appropriate support.

Other Concurrent Processes

Where a complaint is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

However, each case will be considered on its merits to ensure that the College is acting reasonably.

Record Keeping

Notes may be taken of all meetings with the Employee held under this procedure. Where notes are taken a copy will be made available to the Employee.

All records will be treated as confidential and processed in accordance with the GDPR and Data Protection Act (1998) which provides individuals with the right to request and have access to certain data.

A central record of whistle blowing will be maintained by the Governing Body. This record will include a summary of the concern(s) raised, action taken and the resulting outcome. Senior staff or Governors who receive whistleblowing concerns must ensure the concern is recorded.

Appendix 1 Whistle Blowing Referral Form

Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.

1	Set out the background and history of the concern - giving names, dates and places where possible: What is your concern?
2	Why are you particularly concerned about the situation?
3	Outline what you have already done regarding the concerns
4	How would you wish your concerns to be addressed?

Signed _____

Date _____

For Principal use only:

Date received: _____

Confirmation to sender: _____

Delegated to investigate: _____