



SAINT · AMBROSE · COLLEGE

---

# **Confidential Reporting Code & Policy (“whistle-blowing”)**

---

---

## **B.R. 12**

---

# CONFIDENTIAL REPORTING CODE & POLICY

## “Whistle-blowing” policy

Employees are often the first to realise that there may be something wrong within the College. However, they may not want to speak up about concerns because they feel it would be disloyal to their colleagues or to the College. They may also believe they might be victimised or harassed. It may be easier to ignore the concern rather than report it especially if it is only a suspicion that something may be happening.

This policy document makes it clear that you can speak out without fear of victimisation, or any discrimination, or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the College rather than overlooking a problem or ‘blowing the whistle’ outside.

It is important that employees raise issues of concern so that they can be investigated. The College expects employees to use this procedure and to feel confident that if they are genuinely concerned about a matter they raise, they will be dealt with fairly and sensitively.

Nothing in this policy however takes away the rights of an individual which are provided for in the Public Interest Disclosure Act 1998. The Act itself directs workers towards raising the matter internally in the first place and where there is an internal “whistle-blowing” procedure such as this, to use it.

The Confidential Reporting Policy is intended to cover any major concerns you may have that fall outside the scope of existing internal procedures. These concerns include:

- A criminal offense has been committed, is being committed or is likely to be committed
- Suspected fraud, malversation or corruption

<b>THE COLLEGE’S POLICY STATEMENT</b>
Saint Ambrose College is committed to the highest possible service and
ethical standards in public life and all of its practices. In line with that
commitment we expect employees, and others that we deal with, who
have serious concerns about any aspect of the College’s work to come
forward and speak out about their concerns.

## 1. INTRODUCTION

- Breach of the College's code of conduct for Employees
- Showing undue favour over a contractual matter or to a job applicant
- Malpractice or ill treatment of another by a member of staff
- Repeated ill treatment of another, despite a complaint being made
- Disregard for legislation, particularly in relation to health and safety at work
- The environment has been or is likely to be, damaged
- Serious breach of the Finance Manual or other financial practices
- That information on any of the above has been, is being or is likely to be, concealed
- (This list is not exhaustive)

If something is troubling you which you think someone should know about or look into, please use this policy. If, however you are aggrieved about your personal position, please use the Grievance Policy — which you can get from your line manager or trade union representative. This Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

Saint Ambrose College Edmund Rice Academy Trust recognises employees may wish to seek advice and be represented by their Trade Union officers when using the provisions of this policy, and acknowledges and endorses the role Trade Union officers play in this area.

The policy applies to all employees as well as those contractors working for the College on College premises, for example, agency staff, builders, invigilators, independent consultants, trainees, and volunteers. It also covers suppliers and those providing services under a contract with the College in their own premises.

This policy aims to:

- Encourage you to feel confident about raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to follow them up if you are not satisfied
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

## 2. OUR ASSURANCES TO YOU

### **Your Safety**

The College is committed to good practice and high standards and wants to be supportive of its employees. The College recognises that deciding whether or not to report a concern can be very difficult. If you raise a genuine concern under this policy you will not be at risk of losing your job or suffer any form of retribution as a result.

Provided you have acted in good faith it does not matter if you are mistaken. This assurance is not extended to anyone who maliciously raises a matter that they know to be false.

Furthermore you have protection under the law (Public Interest Disclosure Act 1998) and in certain circumstances can take a complaint to an Employment Tribunal if you are treated unfairly at work as a result of a serious disclosure made in good faith.

### **Your Confidence**

The College will not tolerate any harassment or victimisation (including informal pressures) of anyone raising a genuine concern. If you want to raise a concern in confidence under this policy and ask for your identity to be protected, it will not be disclosed without your consent.

If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed at a disciplinary hearing or if the police need to be called in), we will discuss with you whether and how we can proceed.

### **3. ANONYMOUS ALLEGATIONS**

If you do not mention who you are it will be much more difficult to look into the matter. This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the College.

In exercising this discretion the factors to be taken into account would include:

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

### **4. UNPROVEN/UNTRUE ALLEGATIONS**

If you make an allegation in good faith, which cannot be confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary rules and procedures will be used.

### **5. HOW TO RAISE A CONCERN**

#### Step 1

If you have a concern about malpractice, please raise it with your line manager (Faculty Leader/Head of Department). This may be done either verbally or in writing. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

#### Step 2

If you feel unable to raise the matter with your line manager, please raise the matter with a member of the Senior Leadership Team. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

### Step 3

If these channels have been followed and you still have concerns, or if you feel that you cannot discuss it with any of the above, please use one of the following alternatives: -

- Contact the Chairman of the Governing Body in writing.
- If you are unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) or by fax to 020 7403 8823. Their lawyers can give you free confidential advice on how to raise a concern about serious malpractice at work.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a work colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite a Trade Union representative or work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

The earlier you express the concern the easier it is to take action.

Where concerns are raised, whether in writing or otherwise, an initial interview, which will be confidential, will be arranged to ascertain the area of concern. At this stage you will be asked if you wish your identity to be disclosed. You will be reassured about protection from possible reprisals or victimisation. You will also be asked whether or not you wish to make a formal statement. In either case, a brief summary of the interview will be written, which will be agreed by both parties.

Concerns may be reported to the Principal who will be responsible for the commission of any further investigation. If exceptionally the concern involves the Principal this report will be made to the Chairman of the Governing Body who will decide how the investigation will proceed. This may include an external investigation.

## **6. HOW THE COLLEGE WILL RESPOND**

A 'Designated Officer' will be appointed and they will formally respond to your concerns in all cases.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the College will have in mind, is the public interest.

Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), should be referred for consideration under those procedures.

Within ten working days of a concern being raised, the Designated Officer, will write to you:

- acknowledging that the concern has been received
- indicating how the matter will be dealt with
- giving an estimate of how long it will take to give you a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and yourself will depend on the nature of the matter raised, the potential difficulties involved and how clear the information provided is. If necessary, the Designated Officer will ask for further information from you.

Where any meeting is arranged (this can be off-site if you wish) you can be accompanied by a union representative or a colleague.

The Designated Officer will take steps to help you as much as possible to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary proceedings they will arrange for you to receive advice about the procedure.

The College accepts that you need to know that the matter has been properly addressed. Therefore, subject to legal constraints, you will be informed about the investigation and its outcome.

## 7. HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue within the College to raise concerns. The College hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the College, the following are possible contact points where you will be able to obtain advice about the protection given under the Public Interest Disclosure Act 1998, the Enterprise and Regulatory Reform Act 2013 including matters pertaining to the Bribery Act 2010:

- Your trade union
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations i.e. Health and Safety Executive, Audit Commission and utility regulators
- Relevant voluntary organisation
- The police.
- You can also get independent, confidential advice from the charity Public Concern at Work (H.Q.: London S.E.) on: **www.pcaw.org.uk** or by telephoning **020 7404 6609**

If you do take the matter outside the College, you should ensure that you do not disclose confidential information (*c.f.* the clause in your contract of employment). Check with the chosen contact point about that.

*[+ Appendix added November 2012]*

*[+ ERRA 2013 reference added June 2013]*

*[+ Public Concern at Work's 'Insight & Experience' added November 2015]*