



Whistleblowing Policy

1. Introduction

- 1.1 Carmel College is committed to promoting a climate of openness, honesty, integrity and respect for the individual. All employees are encouraged to act in an ethical and principled manner and any claims of malpractice are taken seriously.
- 1.2 The purpose of this policy is to provide a process for employees, those staff engaged by the College through an agency and governors to raise genuine and legitimate concerns of suspected bribery, breaches of the law and other serious wrongdoings. This policy is intended to provide safeguards to enable persons to raise concerns about malpractice in connection with the College without fear or recrimination or reprisal.
- 1.3 The College encourages the raising of genuine concerns about suspected wrongdoing at the earliest practicable stage.
- 1.4 Where appropriate, concerns raised under this policy may instead be referred for investigation under the Fraud and Corruption Policy. The protection afforded by the Whistleblowing Policy will still apply.
- 1.5 This policy should be used if serious malpractice or impropriety within the College is discovered or suspected. If an employee is unsure about whether or not the practice he/she has discovered is deemed serious malpractice the employee may wish to seek the confidential advice of the independent charity 'Public Concern at Work' 020 7404 6609 or email whistle@pcaw.org.uk

Serious malpractice may be defined as:

- Fraud
 - Financial irregularities
 - Corruption
 - Bribery
 - Dishonesty
 - Miscarriage of justice
 - Criminal activity or failing to comply with a legal obligation
 - Creating or ignoring a serious risk to health and safety
- 1.6 Any concerns about malpractice should always be raised internally in the first instance without fear of adverse repercussions being taken. The law allows you to raise such concerns externally and this Policy informs you how you can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
 - 1.7 This policy also seeks to balance the need to allow a culture of openness against the need to protect other employees, workers and students against vexatious allegations or allegations which are not well-founded.

- 1.8 The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The College is also committed to ensuring compliance with the Bribery Act 2010.
- 1.9 Students are also encouraged to raise genuine concerns about suspected wrongdoing using the Student Complaints Procedure.

2. Applicability of this policy

- 2.1 This policy applies to all employees of the College, which includes any casual workers or home-based casual workers and Agency employees / workers engaged by the College.
- 2.2 This policy also applies to all members of the Governing Body.
- 2.3 Individuals might be unsure whether it is appropriate to raise their concern under this policy or whether it is a personal grievance, which is more appropriate to be raised under the regulations of the College's Grievance Policy. Any employee/worker in this situation is encouraged to approach the Human Resources Department in confidence for advice.

3. Protected disclosures

- 3.1 The law (Public Interest Disclosure Act 1998 and the Enterprise and Regularity Reform Act 2013) protects employees/workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2 The law allows employees/workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5). A 'protected disclosure' must, in the reasonable belief of the person making it, also be made in the public interest. A 'protected disclosure' must consist of information and not merely be allegations of suspected malpractice.
- 3.3 This policy extends equal protection (as referred to in 3.1 and 3.2) to all complainants, including governors.

4. Specific Subject Matter

If, in the course of employment, an employee becomes aware of information which he/she reasonably believes tends to show one or more of the following, he/she must use this policy:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;

- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5. Procedure for making a disclosure

- 5.1 Information which an employee reasonably believes tends to show one or more of the situations listed in Section 4 should promptly be disclosed to the relevant line manager.
- 5.2 Line managers will, as soon as practicable, inform the Clerk to the Governors of any disclosures made to them. The Clerk to the Governors will record all relevant matters so raised and notify the appropriate person.
- 5.3 If it is inappropriate for an employee to make such a disclosure to his/her line manager, an employee may raise the issue with the Principal or the Clerk to the Governors.
- 5.4 Disclosures made by governors should be raised with the Clerk to the Governors.
- 5.5 If the disclosure relates to the Principal or Clerk to the Governors, the issue may be raised with the Chair of the Governing Body.
- 5.6 If the disclosure relates to the Chair of the Governing Body, the issue may be raised with the Chair of the Audit Committee.
- 5.7 Disclosures should preferably be in writing. The complainant may elect to give details orally. However, the Clerk to the Governors, or other person to whom the disclosure has been made, must make a written note of the disclosure.
- 5.8 Complainants are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the College will not be in a position to notify the individual making the disclosure of the outcome of action taken by the College. Anonymity also means that the College will have difficulty in investigating such a concern. The College reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
 - The seriousness of the issues raised in the disclosure;
 - The credibility of the concern; and
 - How likely it is that the concern can be confirmed from attributable

sources.

- 5.9 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Clerk to the Governors.

6. Procedure for investigation of a disclosure

- 6.1 When a disclosure is made, the College will acknowledge its receipt, in writing, within a reasonable time.

- 6.2 The College will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the College considers that the disclosure does not have sufficient merit to warrant further action, the person will be notified in writing of the reasons for the College's decision and advised that no further action will be taken by the College under this policy. Considerations to be taken into account when making this determination may include the following:

- If the College is satisfied that the complainant does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate College procedure.

- 6.3 When a disclosure which has sufficient substance or merit warranting further action is made, the College will take action it deems appropriate (including action under any other applicable College policy or procedure). Possible actions could include internal investigations; referral to the College's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive, or the Information Commissioner's Office'.

- 6.4 If appropriate, any internal investigation would be conducted by a manager of the College without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate.

Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for the Corporate Management Team and/or the Clerk to the Governors, to investigate the concern.

- 6.5 The person investigating your complaint will normally send a written acknowledgement of any concern within five working days of receiving the complaint.

- 6.6 The College will strive to resolve matters as quickly as possible. It is noted that different types of concerns will require varying time for investigation. If

investigations into the concern are prolonged, the complainant will be kept informed of the progress of the investigation.

- 6.7 If the complainant is not satisfied that the person responsible for the investigation is dealing with the matter properly, the complainant has the right to raise this issue in confidence with the Chair of the Governing Body (or the Chair of the Audit Committee should the alleged malpractice relate to the Chair). This can be done at any time during the investigation.
- 6.8 Any recommendations for further action made by the College will be addressed to the Principal or the Chair of the Governing Body as appropriate in the circumstances.
- 6.9 The complainant will be notified of the outcome of the investigation and any proposed action. As far as possible and subject to third party rights, the complainant will be told of the outcome of any action taken.
- 6.10 Any correspondence will be sent to the complainant's home address and not via the College internal mail.
- 6.11 If the complainant is not satisfied that the concern has been appropriately addressed, the issue should be raised with the Principal or Chair of the Governing Body within 10 working days. The Principal or the Chair of the Governing Body will make a final decision on action to be taken and notify the complainant.
- 6.12 The complainant has a right of access to an appropriate external body from the list of those detailed at the end of this policy but this recourse should only be used when all internal procedures have been exhausted and where the disclosure can be deemed in the public interests i.e. in the interests of protecting the public. Under no circumstances should the complainant talk to the media, as such a step could have serious implications for the College as a whole.
- 6.13 Where there is evidence of criminal activity, the Police will be informed.

7. Safeguards for persons making a disclosure

- 7.1 The College will treat all such disclosures in a confidential and sensitive manner. Where applicable, the person making the disclosure will not have his/her name disclosed during the course of the investigation without prior approval.
- 7.2 The College will take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced by the College does not identify the person making the disclosure without his/her written consent, or unless the College is legally obliged to do so, for the purposes of seeking legal advice.

7.3 If an employee/worker makes an allegation in good faith, which is not confirmed by the subsequent investigation, no action will be taken against him/her. However, where the College has grounds to believe that a disclosure was made maliciously or vexatiously, or without reasonable grounds, the complainant will be committing a disciplinary offence and disciplinary action will be taken.

7.3 An employee/worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the College for making a disclosure in accordance with this policy. Equally, where an employee/worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the College against the colleague in question.

8. Disclosure to external bodies

8.1 An employee/worker has the right to make a disclosure outside of the College where there are reasonable grounds to do so and in accordance with the law.

8.2 A disclosure may be made to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on [the GOV.UK website](#). (See also clause 6.12 and 10.3 – 10.4)

8.3 Disclosures can be made on a confidential basis to a practising solicitor or barrister.

8.4 If an employee/worker seeks advice outside of the College, care must be taken not to breach any confidentiality obligations or damage the College's reputation in so doing.

9. Accountability

9.1 The College will keep a record of all concerns raised under this policy and procedure (including cases where the College deems that there is no case to answer and therefore that no action should be taken) and will report to the Audit Committee on an annual basis as appropriate.

10. Further assistance for persons making disclosures

10.1 The College will not tolerate any harassment or victimisation of persons who make disclosures. If you feel you have been victimised or deterred from raising your concerns this matter must be made known to the person investigating your complaint. If this is proven the matter will be treated seriously and will be regarded as a serious disciplinary offence.

10.2 An employee / worker may want to confidentially request counselling or other support from the College's occupational health service. Any such request for counselling or support services should be addressed to the Human Resources Department. Such a request would be made in confidence.

- 10.3 The charity Public Concern at Work can be contacted for confidential advice on whistleblowing issues. Contact details are as follows:

CAN Mezzanine
7-14 Great Dover Street
London SE1 4YR

Whistleblowing Advice Line: 020 7404 6609 <http://www.pcaw.org.uk>

- 10.4 Other appropriate external sources of advice (See Clauses 6.12 and 8).

Archdiocesan Trustees

Trustee with responsibility for Schools and Colleges c/o Director of Schools and Colleges, Liverpool Archdiocesan Centre for Evangelisation, Croxteth Drive, Sefton Park, Liverpool. L17 1AA
Tel: 0151 522 1071

Financial Issues

RSM UK (Internal Auditors)
3 Hardman Street, Manchester. M3 3HF
Tel: 0161 830 4000

Health & Safety

Health and Safety Executive
Redgrave Court, Merton Road, Bootle, Merseyside. L20 7HS
Tel: 0345 300 9923

Safeguarding of Learners

WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD
Email: whistleblowing@ofsted.gov.uk
Tel: 0300 123 3155

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