

AMDG



STONYHURST

CROSS CAMPUS WHISTLEBLOWING POLICY Academic Year 2019 – 20

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Revised by:	The Legal Adviser
Approved by:	The Executive Team and the HR Director
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Location(s) where Policy can be found	<ul style="list-style-type: none">✓ ISI Portal✓ College Website✓ Intranet Hard copy files in the following offices: <ul style="list-style-type: none">❖ Compliance & Legal Support❖ Headmaster's PA❖ SMH Headmaster's PA❖ Bursar's PA

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WHISTLEBLOWING **POLICY AND PROCEDURE**

Stonyhurst [always taken to mean Stonyhurst College, Stonyhurst St Mary's Hall, and Stonyhurst College Developments Ltd] has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally (or externally, where appropriate) and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations. The policy also provides if necessary, for such concerns to be raised outside the organisation.

Introduction

Members of staff are often the first to realise that there may be something seriously wrong within an organisation. However they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear victimisation or harassment. In these circumstances, it may be easier to ignore a concern rather than report what may just be a suspicion of malpractice.

The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, members of staff and governors who have serious concerns about any aspect of Stonyhurst's activities are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Under this Whistleblowing Policy you can raise such concerns without fear of victimisation, subsequent discrimination or disadvantage. The Policy is intended to encourage and enable members of staff to raise serious concerns within Stonyhurst, rather than overlooking a problem or 'blowing the whistle' outside the organisation.

This Policy applies to all governors, members of staff (including those designated as casual, temporary, agency, authorised volunteers/work experience) and, where appropriate, contractors and suppliers.

Elements of the Policy

In accordance with Lord Nolan's second report of the committee on standards in public life, Stonyhurst's policy on Whistleblowing is intended to demonstrate that Stonyhurst :-

- Will not tolerate malpractice;
- Respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- Will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;

- Will invoke Stonyhurst’s Disciplinary Procedure in the case of false, malicious, vexatious or frivolous allegations;
- Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

Procedure

This procedure is separate from Stonyhurst’s adopted procedures regarding grievances. Employees should not use the Whistleblowing procedure to raise grievances about their personal employment situation.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within Stonyhurst.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff codes, criminal activities, or failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment.

In raising a concern, you should provide the following information:

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation;
- The name(s) of any colleagues/employees involved who you consider are directly involved; and
- The name(s) of any colleagues/employees involved who you believe may be able to help provide further information.

In the first instance, you should normally express your concerns to:

- The Headmaster;
- The SMH Headmaster or SMH Deputy Head in the case of SMH Staff;
- The Bursar; or
- The Chair of Governors.

Concerns may be raised verbally or in writing, although staff are encouraged to express their concerns in writing wherever possible. The earlier you express a concern the easier it may for action to be take. Although you are not expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for you concern.

If you confirm your wish to raise the concerns formally under this policy, a responsible person will be designated to co-ordinate the response to the concerns you have raised.

Where appropriate, the matters raised may:-

- be investigated by the senior management team, internal audit, or through the disciplinary procedure;

- be referred to the police;
- be referred to an external auditor; or 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. Such testing out of your concerns is not the same as either accepting or rejecting them. The overriding principle which Stonyhurst 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) will normally be referred for consideration under those procedures.

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.

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

- acknowledge that the concern has been received;
- indicate how it is proposed to deal with the matter;
- provide an estimate of how long it will take to provide a final response;
- inform you whether any initial enquiries have been made;
- supply you with information on staff support mechanisms (where appropriate), and inform you whether further investigations will take place and if not, why not.

The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary further information will be sought from you.

Where any meeting is arranged under this Policy, away from school premises if you so wish, you can be accompanied by a Trade Union or Professional Association representative or work colleague.

The Governing Body will take steps 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, arrangements will be made for you to receive appropriate advice about the procedure.

It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

Confidentiality

Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without

their prior approval. If there is evidence of criminal activity then the Police will in all cases be informed.

This policy encourages you to put your name to your allegation whenever possible. Concerns which are expressed anonymously may be less powerful but will be considered at Stonyhurst's discretion. In exercising such discretion, the following factors may need to be taken into account:

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

External Procedures

This policy is intended to provide you with an avenue within Stonyhurst to raise concerns. The Governing Body 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 Stonyhurst, you may wish to contact your Trade Union/Professional Association, your legal adviser or MP, or you may wish to refer the matter to a 'Prescribed Person or Body'.

If you decide to blow the whistle to a prescribed person or body, you must make sure that you choose the correct person or body for your issue. The list of prescribed bodies includes:

Public Concern at Work

✉ Public Concern at Work
CAN Mezzanine
7-14 Great Dover Street
London SE1 4YR
☎ 020 7404 6609

Lancashire Constabulary

✉ Lancashire Constabulary
Headquarters
Saunders Lane
Hutton
Preston
PR4 5SB

HM Customs and Excise

☎ 01772 614444
✉ HM Revenue and Customs
BX9 1AA
☎ 0300 200 3200

The Information Commissioner

✉ The Office of the Information
Commissioner
Wycliffe House, Water Lane
Wilmslow
Cheshire
SK9 5AF

☎ 0303 123 1113

The Environment Agency

✉ National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

☎ 03708 506 506

Health and Safety Executive

✉ Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

☎ 0845 300 9923

For a full list of prescribed bodies, please see the Government Website.

If you do take the matter outside Stonyhurst, you should ensure that you do not disclose confidential information that falls outside the scope of the complaint. You should check with the relevant contact point about that.

The Media

Note that if you report your concerns to the media, in most cases you will lose your whistleblowing law rights.

Protection from Reprisal or Victimisation

No member of the staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the Whistleblowing procedures. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.