



# ALPHA COLLEGE

## Whistleblowing Policy and Procedure

<b>Policy Leaders:</b>	<b>Checked by:</b>	<b>Authorised by:</b>
Human Resources Officer – Maria Gálvez	Principal – Elizabeth Batchelor	Chair of Board – Rosa Gómez

*Reviewed: January 2020*



Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work

### **POLICY AIM:**

Aloha College Marbella is committed to maintaining a culture of openness, accountability and integrity. We seek to ensure that employees feel secure in raising concerns about any activity which may harm individuals or undermine the status of the school. This policy gives clear guidance to those who may need to raise concerns.

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon them;
- 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 pursue them 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 raised any concern in good faith.

It should be emphasised that this policy and procedure is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the complaints or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy.

All employees are expected to adhere to this policy and procedure in line with the school obligations. The Principal (or other appropriate manager) must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

# ALOHA COLLEGE

## Whistleblowing Policy and Procedure



### 1. Introduction

The purpose of this policy and procedure is to make clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. Employees are encouraged to raise serious concerns in the first instance within the school rather than overlooking a problem or 'blowing the whistle' outside the school premises, and it is preferred that the matter is raised when it is just a concern rather than waiting for proof.

Aloha College is committed to the highest possible standards of openness, integrity and accountability. The Management expects employees, and others involved in the work of the school, who have serious concerns about any aspect of the school's work to come forward and voice those concerns in the appropriate manner, appropriate forum and to the appropriate person.

This policy and procedure applies to all employees as well as contractors who work for the school within the school premises, for example, builders. It also covers suppliers and those providing services under a contract with the school.

### 2. What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- concerns about the harm or risk of harm to children;
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it adhering to this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure.

# ALOHA COLLEGE

## Whistleblowing Policy and Procedure



If you are uncertain whether something is within the scope of this policy you should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

### **3. The school's commitment**

The school is committed to good practice and high standards and wants to be supportive of employees.

It can be difficult for an employee to make the decision to report a concern. If a concern is raised in good faith and based on reasonable belief, there is nothing to fear. If an employee's concern is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against them.

The school will not tolerate any harassment or victimisation and will take appropriate action to protect an employee when they raise a concern even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistleblower will result in disciplinary action against the person responsible.

Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which an employee may be subject.

### **4. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee if this is their wish. If the school is not able to resolve the employee's concern without revealing their identity (e.g. because their evidence may be needed in Court), it will be discussed with them beforehand, whenever possible.

### **5. Anonymous allegations**

This policy and procedure encourages an employee to put their name to their concern whenever possible.

Concerns expressed anonymously are less powerful but may be considered by the school taking into account:

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

The Principal will decide in each case whether a complaint made anonymously should be investigated.

### **6. How to raise a concern**

The earlier an employee expresses concerns the easier it is to take action.



An employee is not expected to provide proof but they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

- An employee can raise any concerns internally with the appropriate Head of Section, speaking to them in person and putting the matter in writing. They may be able to agree a way of resolving a concern quickly and effectively. In some cases, the matter may be referred to the Principal who has responsibility for whistleblowing.
- The Principal will arrange a meeting with the employee as soon as possible to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Principal should explain this to the employee. In such instances, the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.
- The employee may bring a colleague or trade union representative to any meetings under this policy. The colleague or trade union representative must respect the confidentiality of the disclosure and any subsequent investigation also signing a confidentiality agreement.
- The Principal will take notes and produce a written summary of the concern raised and provide the employee with a copy as soon as possible after the meeting, along with an indication of how they propose to deal with the matter, where possible.
- If a concern against a Governor is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. Such a concern would normally be raised with the Chair of Governors, who will decide in conjunction with the School Principal how it will be dealt with.
- If the concern is against the Chair of Governors, it should be taken to the Principal who will consider how it should be dealt with.

### **7. External disclosures**

The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrong doing in the workplace. In most cases, employees should not find it necessary to alert anyone externally.

Employees are strongly encouraged to seek advice within the school before reporting a concern to an external third party.

Whistleblowing concerns usually relate to the conduct of school employees but they may sometimes relate to the actions of a third party, such as a service provider.

# ALOHA COLLEGE

## Whistleblowing Policy and Procedure



Employees are encouraged to report such concerns internally first as outlined in 6 above.

### 8. Investigation and outcome

- Once an employee has raised a concern to the Head of Sections following the procedures above, the Principal will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee will be informed of the outcome of this assessment. The employee raising the concern may be required to attend additional meetings in order to provide further information.
- In some cases, the Principal may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.
- The Principal will aim to keep the employee informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee is required to treat any information about the investigation as strictly confidential.
- If it is concluded that an employee has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's disciplinary policy and procedure.
- Whilst it cannot always be guaranteed that the outcome will be in line with the employee's expectation, concerns will be dealt with fairly and in an appropriate way.
- There is no right of appeal against any decisions taken under this policy and procedure. The employee or the Principal will have the right to refer any particular case to the nominated Governor for Whistleblowing for review.
- Any employee raising a concern under this policy and procedure will be informed, where appropriate, of the final outcome. In some circumstances, e.g. where disciplinary action has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

### 9. Protection and support for whistleblowers

It is understandable that an employee may be worried about possible repercussions. Employees are encouraged to be open and will be supported, where genuine concerns are raised in good faith under this policy and procedure, even if they turn out to be mistaken.



Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, they should inform the Head of Sections immediately. If the matter is not remedied the employee should raise it formally using the school's grievance procedure.

All employees are responsible for the success of this policy and procedure and should ensure that they use it to disclose any suspected danger or wrong doing.

The school will do what it can to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the school will arrange for them to receive advice about the procedure and other appropriate support.

### 10. Responsibility for the policy

The Board of Trustees has overall responsibility for this policy and for reviewing its effectiveness. The Board of Trustees will be advised about and maintain records of, the concerns raised and the outcomes in a form which does not endanger confidentiality and will report if necessary to the appropriate authority.

The Board of Trustees in conjunction with the Whistleblowing Officer will review this policy annually.

The Whistleblowing Officer will report annually to the Board of Trustees on the operation of the policy and whether any disclosures have been made.

<b>Governor for Whistleblowing:</b>	Rosa Gomez, Chair of Board
<b>Whistleblowing Officer:</b>	Elizabeth Batchelor, School Principal (elizabeth.batchelor@aloha-college.com)