

## **Forres Sandle Manor (Non-Academic) Policy**

Policy Title	<b>Confidential Reporting (formally Whistleblowing)</b>
Policy Lead (Appointment (& Initials))	<b>Bursar (CIJ)</b>
Date of Last Review	<b>May 2019</b>
Date of Next Review	<b>May 2021</b>

### **CONFIDENTIAL REPORTING**

FSM has adopted this policy to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations or unethical conduct. The policy also provides if necessary, for such concerns to be raised outside the organisation.

### **ELEMENTS OF THE POLICY**

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, FSM's policy on confidential reporting is intended to demonstrate that FSM :

- 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 FSM's disciplinary policy and 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 FSM's adopted procedures regarding grievances. Employees should not use the confidential reporting 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 FSM.

Malpractice is not easily defined; however, it includes child protection issues, allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, 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.

## **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. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity then the Police will in all cases be informed.

## **THE INVESTIGATION (unless the concern is of a safeguarding allegation against a member of staff, where appropriate procedures will be followed as per FSM's Child Protection Policy)**

A member of staff will be at liberty to express their concern to the Head or Deputy or the Bursar.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the Resolution.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Trustees (Governors).

## **EXTERNAL PROCEDURES**

Where all internal procedures have been exhausted, a member of staff shall have a right of access to the Trustees.

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes:

- That exceptionally serious circumstances justify it.
- That FSM would conceal or destroy the relevant evidence.
- Where they believe they would be victimised by FSM.
- Where the Secretary of State has ordered it.

## **MALICIOUS ACCUSATIONS**

False, malicious, vexatious or frivolous accusations will be dealt with under FSM's Disciplinary Procedure.

## **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 Confidential Reporting procedures.