



Whistleblowing Policy

The School has adopted this policy on whistleblowing to enable members of staff to raise concerns internally regarding safeguarding, fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The key piece of whistleblowing legislation for this policy is the Public Interest Disclosure Act 1998.

In the event of any apparent conflict, the Safeguarding Policy takes precedence over the Whistleblowing Policy.

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

- 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 the School'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.

1. Who does the whistleblowing policy apply to and who is a Whistleblower?

1.1 A Whistleblower refers to any member of staff who ordinarily works in Great Britain who raises concerns covered below in section 3 and as outlined in this policy.

1.2 The definition of an 'employee' has a wider meaning for whistleblowing; whistleblowing applies to those classified as:

- Staff including volunteers
- Staff undergoing training,
- Staff doing work experience as part of a training course,
- Self-employed professionals,
- Agency workers.

2. Whistleblowers are protected by law:

2.1 The Employment Rights Act 1996 protects a member of staff who reports a bona fide whistleblowing concern under the Whistleblowing Policy.

2.2 A member of staff can claim unfair dismissal if they are dismissed because of raising a concern via the Whistleblowing Policy. Staff are protected and can claim 'detrimental treatment' under the Public Interest Disclosure Act 1998 (PIDA).

3. Complaints that are dealt with through the Whistleblowing Policy:

3.1 The following concerns are addressed by the Whistleblowing Policy:

- criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk of actual damage to the environment
- a miscarriage of justice
- financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, criminal activities, or failing to comply with a legal obligation,
- the company is breaking the law, e.g. doesn't have the right insurance
- you believe someone is covering up wrongdoing

4. Complaints that are not covered by the Whistleblowing Policy:

4.1 Staff should not use the Whistleblowing Policy to raise grievances or disputes regarding their own personal employment situation or against another member of staff. For example; bullying, harassment or discrimination.

4.2 The whistleblowing procedure is separate from the School's procedures for dealing with the above or regarding grievances.

5. Procedure for reporting a concern anonymously or confidentially:

5.1 Staff who wish to raise a concern under this procedure can do so either orally or in writing, although members of staff are encouraged to express their concern in writing wherever possible. Please use the report form attached to this policy.

5.2 Staff should inform their line manager or the Bursar, who is the Whistleblowing Designated Person and responsible for whistleblowing, immediately.

5.3 Staff can request to tell their line manager or the Bursar anonymously however this may mean that any further investigation or action may not be able to take place if there is evidence or information missing or where the School require personal data to be shared etc.

5.4 Staff can provide their name but request confidentiality and the School will aim to uphold that request. There may be occasions when disclosing this information may be required, and in such instances the member of staff will be advised and details only disclosed to the Whistleblowing Designated Person and/or a regulated body. The School will endeavour to inform the member of staff of any disclosed information and will make every effort to protect their identity.

5.5 The School understands and recognises that there may be issues that cannot be dealt with internally and in very serious instances, external authorities may need to become involved; such as the police. Where this is necessary the School reserves the right to make such a referral.

5.6 Staff who have serious concerns may feel the need to seek external advice prior to reporting their concern to the school, for example from a recognised trade union or independent legal adviser.

5.7 In more serious cases (for example, if the allegation is about the actions of their line manager), the member of staff should feel able to raise the issue with either a more senior manager or the Bursar or Headmistress.

6. **Dealing with Malicious Accusations:**

6.1 False, malicious, vexatious or frivolous accusations will be dealt with under the School's Staff Disciplinary Procedure and may lead to the member of staff receiving a disciplinary warning or dismissal depending on the seriousness of the accusation.

7. **The Investigation Process:**

7.1 Managers who are notified of a concern by a member of staff:

- will have a responsibility to ensure that all concerns raised are taken seriously,
- should, where appropriate, investigate properly and make an objective assessment of the concern,
- should keep the member of staff informed of progress,
- will have a responsibility to ensure that the action necessary to resolve a concern is taken.

7.2 The line manager or Bursar will listen to the member of staff's concern and decide if any immediate action is required.

7.3 The member of Staff may be asked for further information.

7.4 Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued if the concern raised has been proven.

7.5 The member of staff making the allegation will be kept informed of the progress of the investigation, whenever possible and subject to third party rights.
Governors will be kept informed of any instances of whistleblowing, the investigation plans and ultimate decision made.

7.6 The member of staff will be informed of the outcome and resolution on completion of the investigation.

7.7 A member of staff who is not satisfied that their concern is being properly dealt with may raise in confidence their concern with the Chairman of the Board of Governors.

8.0 **External Procedures**

8.1 Where all internal procedures have been exhausted, the School or a member of staff has the right to contact an external person or official body. This may include (depending on the subject matter of the disclosure) HMRC, the Charity Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (LADO). With the exception of safeguarding issues this can only be done once the School's internal whistleblowing procedure has been completed.

8.2 **Staff must remember that if they have a concern regarding a Safeguarding issue that they feel is not being dealt with by the school they may make a referral to Childrens' Services. Staff should refer to the School's Safeguarding and Child Protection Policy Appendix 4 and 5 which give details of how to report concerns.**

- 8.3** Under the Public Interest Disclosure Act 1998, a member of staff may be entitled to raise a concern directly with an external body if they reasonably believe that:
- exceptionally serious circumstances justify it; or
 - the School would conceal or destroy the relevant evidence; or
 - they would be victimised by the School; or
 - the Secretary of State has ordered it.

9.0 Protection from Reprisal or Victimisation

9.1 The School will ensure that no member of 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.

10.0 Action that can be taken if a member of staff is not satisfied with how the concern was dealt with or they feel they have been treated unfairly after reporting a whistleblowing concern:

10.1 The member of staff should raise their concerns to someone more senior within the School; this could be the Bursar (Whistleblowing Designated Person), Headmistress or the Chairman of the School's Board of Governors, if they have not already been informed or involved.

10.2 If a member of staff feels they have been treated unfairly they have the right to take their case to an employment tribunal; if they do so they must notify Acas.

10.2 Staff can get further information and advice from the Advisory, Conciliation and Arbitration Service (Acas), Citizens' Advice, the Whistleblowing Charity Public Concern at Work or their Trade Union.

<https://www.gov.uk/whistleblowing>

10.3 If a member of Staff reports their concern to the School anonymously, they may find it more difficult to argue that the School has treated them unfairly as a result of their whistleblowing concern.

10.4 A member of Staff must raise any claim for unfair dismissal within 3 months of their employment ending.

Signed

Issue Date: September 2016

Review Date: June 2017 or earlier if major change requires



Alan Lees

Chairman of the Finance Committee

Whistleblowing Concerns Referral Form

Please complete this Whistleblowing Concerns Referral Form and give to either your Line Manager, the Bursar (Whistleblowing Designated Person) or Headmistress.

Type of Concern (if Known):	
Criminal Offence, e.g. fraud, health and safety	<input type="checkbox"/>
Criminal Offence	<input type="checkbox"/>
Risk or Actual Damage to the environment	<input type="checkbox"/>
Miscarriage of Justice	<input type="checkbox"/>
Breaking the Law	<input type="checkbox"/>
Covering up a Wrongdoing	<input type="checkbox"/>
Who/What is the allegation against?	
Full details of the Concern/Incident	
Location	
Is the concern ongoing? If 'Yes', do you have specific times and dates?	
Please provide any evidence	

Do you wish to remain anonymous? **Yes** **No**

If 'No', please provide details:

Name:	
Telephone Number:	
Email Address:	
Signed:	
Date:	