

Whistleblowing Policy



Hollygirt

SCHOOL

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Table of Contents

Related Policies.....	2
1. Rationale.....	3
2. Elements of the Policy.....	3
3. Procedure	3
4. Process of Disclosing.....	3
5. Responding to a Disclosure	4
6. External Procedures	5
7. Improper Disclosures	5
8. Safeguards for Whistleblowers.....	6
9. Low-Level Safeguarding Concerns Policy	6

Related Policies

This policy should be read in conjunction with the following policies:

- Safeguarding and Child Protection Policy
- Low Level Safeguarding Concerns Policy
- All Adults Code of Conduct

1. Rationale

Whistleblowing is the mechanism by which all staff can voice their concerns, made in good faith and without fear or repercussion. Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of the Head, a Trustee, or relevant external agencies. This is particularly important when a student is deemed to be at risk.

The school refers to all the staff and students of the Prep and Senior School and includes Early Years Foundation Stage (EYFS).

The school has adopted this policy and accompanying procedure on whistleblowing 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.

2. Elements of the 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 involve 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 members of staff.

3. Procedure

This procedure is separate from the school'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 the school.

Malpractice is not easily defined; however, it includes 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.

4. Process of Disclosing

A member of staff or volunteer will be at liberty to express their concern to the Head, Deputy Head, or the Bursar. If the concern is about the Head, the member of staff or volunteer will have the right to raise their concern in confidence with the Chair of Trustees.

A disclosure may be made verbally (e.g., by telephone) or in writing. The whistleblower should normally identify themselves and should make it clear that they are making a disclosure within the terms of this procedure.

A whistleblower raising a concern verbally will normally be expected to support and substantiate those concerns in writing. If the whistleblower feels unable to commit their concerns in writing, they will normally be asked to meet with an appropriate senior leader who will compile a written note of the disclosure.

The whistleblower may be accompanied by a trade union representative or appropriate workplace colleague at meetings that are held for the purpose of formally discussing or investigating the disclosure.

It is not necessary for a whistleblower to produce conclusive evidence to support their disclosure. Suspicion may be valid grounds for raising a concern. However, the whistleblower should normally have direct information about, or knowledge of, the malpractice alleged, or know where such evidence is located. The whistleblower's concern should be based on more than hearsay, gossip, or the reports of others. The disclosure should usually include specific examples of unacceptable behaviour.

Disclosures should not be made to the press, radio, television, or other media. The recommended internal reporting channels should be used. Workers have certain rights to report malpractice to specified external agencies, e.g., a worker who suspects that a criminal act has been committed may inform the police. However, it is expected that whistleblowers make disclosures following the reporting lines set out above.

5. Responding to a Disclosure

The response to a whistleblower's disclosure will depend on a number of factors such as the seriousness and complexity of the allegations made.

Allegations may be:

- Investigated within the school;
- referred to the police;
- referred to another independent form of enquiry;
- or any combination of the above.

The school may wish to consider using external independent investigators, though this will in part depend on the complexity of the case.

Disclosures will be subject to initial enquiries in order to decide whether a full investigation is necessary, and, if so, what form it should take, who should conduct it, and whether any reference to another agency is necessary or desirable. Some concerns may be resolved through agreed action without the need for further investigation.

If the whistleblower's concern falls within the scope of an alternative procedure, they will be advised to pursue it through that procedure.

A whistleblower who presents their disclosures in writing will, wherever possible within ten working days, receive:

- an acknowledgement that the concern has been raised;
- an indication of how the school proposes to deal with the matter;
- an estimate of how long it will take to provide a final response;

- an indication of any initial enquiries that have been made; and
- an indication of whether further investigations will take place, and, if not, why not.

The whistleblower will be informed of the outcome of any investigation in so far as this is compatible with any duty of confidentiality on the employer. The extent of the information given to whistleblowers will depend upon a number of factors, e.g., whether the investigation is referred to the police and leads to a criminal prosecution. Where an investigation is protracted, it is recommended that the school or relevant officer keeps the whistleblower updated on the progress of the investigation, as silence may lead them to become suspicious of inaction and make a disclosure externally.

Where a whistleblower is unwilling to identify themselves, any person receiving a complaint about Malpractice should log the incident and consult the Head who will seek advice from the school's HR adviser to consider whether any investigation should be undertaken.

A member of staff who is not satisfied that their concern has not properly been dealt with will have a right to raise it in confidence with the Board of Trustees through the Head in the first instance, or alternatively, the Bursar.

6. External Procedures

This procedure is intended to provide individuals with an avenue to raise concerns with their school. If the whistleblower is not satisfied, and feels it is right to take the matter further, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, Recognised Trade Union or Professional Association Representative, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue) or the NSPCC Whistleblowing advice line on 0800 028 0285 or email help@nspcc.org.uk.

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstance 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 the school would conceal or destroy the relevant evidence;
- Where they believe they would be victimised by the school;
- Where the Secretary of State has ordered it.

7. Improper Disclosures

No action will be taken against a whistleblower if a concern is raised in the proper way, which the whistleblower reasonably believes to be in the public interest. However, if allegations are not raised in the proper way, and/or the whistleblower cannot show that they reasonably believe it to be in the public interest, disciplinary sanctions may occur. This is particularly likely if it is believed the disclosure was also malicious, vexatious, or made for personal gain.

Deliberately false, or malicious, vexatious or frivolous accusations will be dealt with under the school's Disciplinary Procedures.

8. Safeguards for Whistleblowers

The decision to report malpractice can be a difficult one for staff, who may possibly fear subsequent victimisation or harassment. No action will be taken against staff who raise a concern in the proper way, and which they reasonably believe to be in the public interest, even if that concern is subsequently discovered to be unfounded after investigation. However, whistleblowers who are already the subject of investigation or action under a formal procedure (e.g., discipline, capability, or harassment) should not expect the procedure to be discontinued as a result of the disclosure, unless there is a good reason for doing so.

To harass, bully or otherwise subject a person to detriment because they have made a whistleblowing disclosure, or assisted in the investigation of one (for example as a witness), will be considered a disciplinary offence.

Where whistleblowers do not wish to be identified to others in the course of an investigation that wish will be respected in so far as it is reasonably practicable. However, anonymity cannot be guaranteed. The process of investigation may reveal the identity of whistleblowers, and, especially in serious cases, whistleblowers may be required to give evidence, either by the school, the local authority, or the police. Any person subject to disciplinary action or prosecution has access to all the evidence.

The school will take all reasonable steps to minimise any difficulties whistleblowers may experience as a result of raising a concern. Whistleblowers who are required to give evidence to disciplinary or criminal proceedings may seek advice from their union representative/lawyer.

9. Low-Level Safeguarding Concerns Policy

If you need to refer a low-level self-concern, please see our Low-Level Safeguarding Concerns Policy. Please be advised that self-referral about a situation that made you feel uncomfortable is not a sign of weakness but a sign of strength. If in any doubt, self-refer.