



AYSGARTH SCHOOL

WHISTLEBLOWING POLICY 9 (7b)

Reviewed: September 2020 and to be reviewed September 2021

Member of Staff responsible for this policy: Robert Morse

AYSGARTH SCHOOL

WHISTLEBLOWING POLICY

The School is committed to ensuring that any allegations of malpractice within the organisation are taken seriously. Employees are asked to bring any such allegations to the School's immediate attention. This is in the interests of the School, its pupils, its staff, and the public. This policy sets out the ways in which employees should bring any concerns to the attention of the School, and explains how and in what circumstances to raise concerns outside the School to appropriate external bodies. The policy applies to employees working with the Prep and Pre-Prep, including EYFS.

This policy takes into account the protection for employees, who bring matters of public interest to the attention of their employers or outside bodies, which is provided by the Public Interest Disclosure Act 1998. This policy also includes protection for employees which will be provided by the Human Rights Act. In this policy statement the masculine gender includes the feminine and the singular number includes the plural and vice versa.

The organisation Public Concern at Work has issued a Whistleblowing Policy Checklist which has been endorsed by the Nolan Committee and the Audit Commission. Its opening paragraphs, which the School has unequivocally adopted, read as follows:

Employees will often be the first to see or suspect misconduct, which may be innocent or which may turn out to be a fraud on your organisation, a public danger, or some other serious malpractice. Making sure your employees keep their eyes open and can and do play their part is a key way to promote, display and ensure good practice.

If you successfully involve your employees it should give a clear message to those who attempt it that they won't get away with it. And everyone else will soon see that you are serious about tackling all forms of serious malpractice and abuse.

The main reason enlightened organizations implement whistleblowing arrangements is that they recognize that it makes good business sense. On the other hand, those few organizations that deliberately engage in wrongdoing to boost profits or that routinely flout the law will not want to encourage whistleblowing.

“A whistleblowing policy will improve the trust and confidence among employees by creating what one respondent called a “culture of honesty and openness” by encouraging employees to report internally. This was seen as “good for the morale of employees”, giving them confidence to come forward with concerns. Senior managers will be the first to know of any issues that they may need to address. These can be dealt with internally. This also means that the costs of investigating any problems, such as fraud, are reduced as problems can be caught quickly. The

management time and resources saved mean that whistleblowing procedures are a cost-effective early warning system for firms”.

(Financial Services Authority Whistleblowing CP101 (2002) (feedback), page 26)

In the context of good governance, the Committee on Standards in Public Life, whose work has helped inform and influence practice on whistleblowing across and beyond the public sector, has observed that:

“The essence of a whistleblowing system is that staff should be able to by-pass the direct management line because that may well be the area about which their concerns arise, and that they should be able to go outside the organisation if they feel the overall management is engaged in an improper course.”

(Committee on Standards in Public Life Third Report (1996), page 48)

The Committee has recommended that good whistleblowing arrangements:

- provide examples distinguishing whistleblowing from grievances;
- give employees the option to raise a whistleblowing concern outside of line management;
- provide access to an independent helpline offering confidential advice;
- offer employees a right to confidentiality when raising their concern;
- explain when and how a concern may safely be raised outside the organization (e.g. with a regulator); and
- provide that it is a disciplinary matter (a) to victimize a bona fide whistleblower, and (b) for someone to maliciously make false allegations.

To be effective, the Committee has stated that it is important for those at the top of the organisation to show leadership on this issue and ensure that the message that it is accepted and acceptable to raise a whistleblowing concern is promoted regularly.

Matters covered by this policy

- Employees are asked to raise their concerns in accordance with this policy, about any of the following matters which they think are or may be taking place within the School:
 - a. Fraud
 - b. Malpractice (e.g. financial irregularities, corruption, bribery, dishonesty)
 - c. Commission of criminal offences
 - d. Failure to comply with legal obligations
 - e. Miscarriages of justice
 - f. Dangers to Health & Safety
 - g. Dangers to the environment
 - h. Unethical conduct.
 - i. Child Protection including poor or unsafe practice and potential failures in the school's safeguarding regime

- This list is not intended to be exhaustive. Employees are asked to raise any other concerns which they may have about matters which they believe threaten the interests of the School, its pupils, its staff, or the public. The procedure is not a substitute for the School's grievance procedure, and concerns about an employee's personal employment situation should be raised through the grievance procedure in the normal manner.

Procedure for bringing these concerns to the attention of a responsible person

1. Proper concerns which employees may give should be raised internally within the School in the first instance. The Headmaster and Estates & Finance Manager are responsible for investigating such matters, and therefore all concerns should be raised with either one of them. In the event that it is inappropriate for the disclosures to be made to either one of them, concerns can also be taken to the other. Concerns may be raised orally or in writing. Usually a meeting will be held with the person investigating the matter who will then carry out a further investigation depending on the nature of the concerns raised by the employee. The employee will be informed as far as possible about the outcome of the investigations, subject to the rights of any third parties which must be respected.

2. If the employee is not satisfied that their concerns are being dealt with satisfactorily, the employee can then raise the issue with the Chairman of Governors, who may either deal with the matter himself or nominate another Governor to deal with the matter. A further investigation will then be carried out and the employee will be informed of the outcome as far as is possible, subject to the rights of any third parties.

3. If after exhausting the internal procedures set out above the employee remains dissatisfied with the way in which their concerns have been dealt with, the employee is entitled to raise the issue externally (mediation & dispute resolution). This should be done by taking the concerns to an external regulatory body (for example, external auditors, the Department for Education, the Health and Safety Executive). The employee should raise the matter with the external body which is appropriate to the subject matter of the disclosure.
4. Employees should not raise concerns with external bodies other than official regulatory bodies except in exceptional circumstances where the matter has already been raised with the School and an official external body but not satisfactorily resolved, or the employee has reasonable grounds for believing that he / she will be penalised for making a disclosure, to the School, or regulatory body, or he / she believes that evidence would be concealed or destroyed or if the failure is of an exceptionally serious nature. In these circumstances the employee must act reasonably, and in particular should think carefully about the seriousness of the allegations and the identity of the person or body with whom the concerns are going to be raised. For example, it would usually be more appropriate to bring concerns to the attention of the Police, a local M.P. or local councillor rather than to the press.

Confidentiality

Employees need to be sure that they can raise concerns about matters within the School in confidence and without fear of reprisals. Therefore all matters raised by employees under this procedure will be treated as strictly confidential. Names of employees making such allegations will not be revealed to those against whom any allegations are being made without that employee's prior consent.

The School will also take all reasonable steps to ensure that employees who have raised concerns under this procedure will not be victimised in any way by fellow employees or other members of the School. The School itself will not penalise employees in any way for raising concerns or making allegations in good faith in accordance with this procedure. The Public Interest Disclosure Act 1998 provides employees with specific protection against victimisation by their employers for making disclosures in accordance with that Act, upon which this policy is based.

Victimisation or other unfavourable treatment of an employee, pupil or other member of the School because that person has raised concerns under this policy or in order to deter that person from raising such concerns will be treated as a serious disciplinary offence under the School's disciplinary procedure.

Abuse of this policy

As outlined above, employees and other members of the School will be protected by the School against any victimisation as a result of proper use of the procedure laid out in this policy. However, the School will take abuse of this procedure extremely

seriously. If an employee abuses this procedure in order to make false or malicious allegations, this will be treated as a serious disciplinary offence under the School's disciplinary procedure, which may result in disciplinary action being taken against the employee up to and including dismissal from employment.

Further information can be found at the PROTECT - Public Concern at Work website:
<https://protect-advice.org.uk/>

and via the NSPCC Whistleblowing Advice Line:

Telephone: 0800 028 0285

Email: help@nspcc.org.uk

Robert Morse
Headmaster
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