

## **Whistleblowing (Public Interest Disclosure) Policy and Procedure**

### **Guiding principles**

The American School in London (the “**School**”) is committed to the highest standards of probity, openness and accountability and takes very seriously any form of malpractice (including illegal or unethical conduct) that is identified or uncovered.

As part of that commitment, individuals with serious concerns about any aspect of the School’s operations or educational provision are encouraged to come forward to express those concerns.

This policy covers predominantly the disclosure internally of malpractice, including where the interests of employees, students or the public are at risk. The policy recognizes in such circumstances individuals will need to be able to come forward on a confidential basis without fear of reprisal or victimization.

There are other procedures in place dealing with concerns on more general working practices (i.e., the Grievance Procedure).

### **Scope of the policy**

This policy extends to all workers engaged by the School, including employees, trustees, directors, consultants, contractors and agency workers.

This policy is non-contractual and the School may amend it at any time.

### **Qualifying Disclosures**

Protection will apply only to “qualifying disclosures” under the Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013. This is where an individual genuinely believes that one or more of the following has taken place, is taking place or is likely to take place (a “**concern**”):

- a criminal offence
- a breach of any legal obligation
- a miscarriage of justice
- a danger to health and safety of any individual
- environmental damage
- a deliberate attempt to conceal any of the above.

A concern may be raised in respect of an employee, an administrator or a member of the Board of Trustees, or any other person or persons associated with the School.

The procedure supports the existing Performance Management and Conduct Procedures and Grievance Procedure and is not intended to replace them in any way.

In many cases, individuals will be able to raise any concerns they have with an appropriate administrator, either in person or in writing, so that the concerns may be resolved quickly and effectively. However, where the matter is more serious, or the matter is not addressed satisfactorily by the administrator, the following procedure will apply.

### **Initial step**

As soon as practicable, any person covered by this policy wishing to make a disclosure (the “**Discloser**”) should disclose the grounds for the concern to the Head of School.

If the concern relates to the Head of School or relates to concerns of fraud, serious financial maladministration, corruption, bribery or blackmail, the Discloser should make the disclosure to the Chair of the Board of Trustees, who will appoint a member of the Board of Trustees to deal with the disclosure.

Any disclosure under this procedure should be made in writing. It is desirable that the Discloser should provide as much supporting written evidence as possible about the disclosure and the grounds for the concern.

In cases where the disclosure contains an allegation that a student or students may have been harmed or are at risk of harm, action under the child protection procedure must also be taken without delay.

On receipt of the written disclosure, the Head of School/member of the Board of Trustees (as applicable) (the “**Handler**”) will meet with the Discloser as soon as practicable. The purpose of the meeting will be for the Handler to obtain as much information as possible from the Discloser about the grounds for the concern and (where appropriate) to consult with the Discloser about further steps which could be taken. The Discloser may be accompanied by a trade union representative or work colleague, if desired. The Handler may be accompanied by an assistant to take notes.

## **Confidentiality**

If a Discloser wishes to raise their concern confidentially, the School will make every effort to keep the Discloser's identity secret. If circumstances require the Discloser to be identified (for instance because the individual's evidence is needed in court), this will be fully discussed with the Discloser.

Anonymous disclosures are not encouraged, as proper investigation may be more difficult or impossible if the School cannot obtain further information. If an anonymous disclosure is received, the matter will be investigated, though the School's ability to take action may be limited.

## **Further steps**

Following the interview with the Discloser (or after the initial disclosure if no meeting has taken place), the Handler will carry out an initial assessment to determine the scope of any investigation and will inform the Discloser of the outcome of the assessment. The Discloser may be required to attend additional meetings in order to provide further information. The Handler may also interview such other persons as necessary to obtain further information about the concern.

In some cases, the Handler may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the Discloser informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving the Discloser specific details of the investigation or any disciplinary action taken as a result. The Discloser must treat any information about the investigation as confidential.

If the School concludes that the Discloser has made false allegations maliciously or with a view to personal gain, the Discloser may be subject to disciplinary action.

## **If the Discloser is not satisfied**

While the School cannot always guarantee the outcome sought, it will try to deal with the Discloser's concern fairly and in an appropriate way.

If the Discloser is not happy with the way in which their concern has been handled, he/she can raise it with the Chair of the Board of Trustees.

### **External disclosure**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, the Discloser should not find it necessary to alert anyone externally about their concerns.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. The School strongly encourages staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. It also has a list of prescribed regulators for reporting certain types of concern. Contact details are provided at the end of this policy.

The types of concerns covered by this policy usually relate to the conduct of employees, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect an individual if he/she raises the matter with the third party directly. However, the School encourages employees to contact first an administrator or the Head of School for guidance.

### **Protection for Disclosers**

A Discloser must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a Discloser believes that he/she has suffered any such treatment, he/she should inform the Head of School or Chair of the Board of Trustees immediately. If the matter is not remedied, the Discloser should raise it formally using the Grievance Procedure.

The School has a responsibility to protect the Discloser against victimization from co-workers when a disclosure is made in accordance with this procedure. Such occurrences will be dealt with under the Bullying and Harassment policy.

### **Report of outcomes**

A report of all disclosures and any subsequent actions taken will be documented and retained by the Chair of the Board of Trustees for a period not less than three years.

## Contacts

<b>Head of School</b>	Robin Appleby  07801594183  Robin_appleby@asl.org
<b>Chair of the Board of Trustees</b>	David Novak  020 7747 3828  dnovak@cdrllp.com
<b>Protect</b> (Formerly <b>Public Concern at Work</b> , an independent whistleblowing charity)	Helpline: 020 3117 2520 ext. 1  Email: <a href="mailto:whistle@protect-advice.co.uk">whistle@protect-advice.co.uk</a>  Website: <a href="http://protect-advice.org.uk">protect-advice.org.uk</a>
<b>NSPCC whistleblowing helpline</b> (National Society for the Prevention of Cruelty to Children)	Helpline: 0808 800 5000  Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>  Website: <a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>
<b>Westminster LADO</b> (Local Authority Designated Officer)	Helpline: 020 7641 7668  Email: <a href="mailto:lado@westminster.gov.uk">lado@westminster.gov.uk</a>  Website: <a href="https://www.rbkc.gov.uk/lscb/">https://www.rbkc.gov.uk/lscb/</a>

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