

WHISTLEBLOWING POLICY

INTRODUCTION

The term 'whistleblowing' is used to describe a formal disclosure of suspected corruption, serious malpractice, or wrongdoing. The School has adopted this policy and the accompanying procedure on 'whistleblowing' to enable members of staff to raise concerns internally and in confidence about child protection, fraud, bribery, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations or unethical conduct, and to ensure that there is transparency and accountability in relation to how concerns are received and handled. The policy also provides, if necessary, for such concerns to be raised outside the School's internal organisation. This policy and procedure will be explained to all new members of staff as part of their induction.

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 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 members of staff.

Firstly, a whistleblower has to demonstrate that they have made a "qualifying disclosure" which must meet each of the following criteria:

1. It must be a disclosure of information.
2. The disclosure of information must relate to one of the six types of wrongdoing below:
 - a. A criminal offence.
 - b. The failure to comply with a legal obligation.
 - c. A miscarriage of justice that has occurred or is likely to occur.
 - d. A danger to someone's health and safety.
 - e. Damage to the environment.
 - f. The deliberate covering up of any of the wrongdoings above.
3. The whistleblower must reasonably believe their disclosure shows wrongdoing.
4. The whistleblower must believe that the disclosure is made in the public interest and that belief must also be reasonably held.

If a qualifying disclosure can be established, the whistleblower must then show it is a "protected disclosure" which depends on who they have made the disclosure to. Legislation states that the disclosure must be made by the whistleblower to their employer or else to a person prescribed by an order made by the Secretary of State, e.g. the FCA (Financial Conduct Authority) and PRA (Prudential Regulation Authority).

If the above conditions are met, employees (including contractors and volunteers) are protected from suffering a detriment (such as a failure to promote, denial of training, bullying or harassment, demotion, failure to investigate concerns etc.), and employees are protected from being dismissed where the disclosure was the reason or principal reason for dismissal.

PROCEDURE

This policy is separate from the School's adopted procedures regarding grievances. Staff members should not use the 'whistleblowing' procedure to raise grievances about their personal employment situation. Rather, this procedure is to enable members of staff to express a legitimate concern regarding suspected **serious malpractice** within the School including any concerns related to poor or unsafe practice, management of the School, and potential failures in the School's safeguarding and care of its pupils.

Malpractice includes allegations of fraud, financial irregularities, corruption, bribery (either offering or accepting a financial or other benefit), dishonesty, acting contrary to the Staff Code of Conduct, 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.

A member of staff with a concern regarding suspected serious malpractice should make a disclosure to the Second Master, the Bursar, or the Head of HR, either in writing or verbally, and in confidence. If the Second Master, the Bursar or the Head of HR is the subject of concern, then the member of staff should report their concern to the Headmaster.

If staff or volunteers feel unable to raise an issue with the School or feel that their genuine concerns are not being addressed, they may use other whistleblowing channels, such as the NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk).

CONFIDENTIALITY

Staff members 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 verbally 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.

INVESTIGATING THE DISCLOSURE

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. There is no legal right for the whistleblower to be informed regarding the outcome. However, where appropriate, the staff member making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution.

Timescales will depend on the complexity of the initial enquiry but, where appropriate, the staff member should receive feedback on the investigation and any conclusions reached within 10 working days.

All staff members and witnesses must treat as confidential any information communicated to them as part of this process. Discussions in meetings should not be shared with any other colleagues or third parties. No recording or video recording of any meeting is permitted. Any breach of confidentiality will be considered to be a disciplinary matter.

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 in the first instance with the Headmaster and thereafter, if the matter is not resolved, with the Staff Liaison Governor.

EXTERNAL PROCEDURES

Where all internal procedures have been exhausted, 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) the Chair of Governors, HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

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

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

MALICIOUS ACCUSATIONS

False, malicious, vexatious, or frivolous accusations will be dealt with under the School's Disciplinary Policy and Procedure.

PROTECTION FROM REPRISAL OR VICTIMISATION

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 follow the "whistleblower" whistleblowing procedures.