



GIGGLESWICK SCHOOL

Whistleblowing Policy

Lead Author(s)	Headmaster
Reviewed by	Bursar and Chief Operating Officer Deputy Head Head of the Prep School
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Policy Type	Statutory

1 INTRODUCTION

Giggleswick School ("the School") has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, unsafe practice and potential failures in the School's safeguarding regime, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides if necessary, for such concerns to be raised outside the organisation.

This policy covers all individuals irrespective of their status, level or grade including all employees, managers, directors, officers, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as "staff" in this policy).

The School promotes an open culture of safety and learning and encourages all members of the community to raise any concern as soon as it arises. A culture of reporting low level concerns is encouraged because it is essential in enabling reflection that improves practice.

Those who raise concerns are valued and supported; they can expect a prompt and proportionate response.

All staff are made aware of this policy as part of the induction process. Safeguarding training specifically includes whistleblowing and reporting low level concerns.

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 provide a clear and simple procedure for raising concerns, which is accessible to all members of staff;
- 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.

3 PROCEDURE

This procedure is separate from the School's adopted procedures regarding grievances. Employees should not use the whistleblowing procedure to raise grievances, such as bullying, harassment or discrimination, about their personal employment situation.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School, including any concerns, no matter how remote or apparently unsubstantiated, related to poor or unsafe practice and potential failures in the School's safeguarding regime.

Malpractice is not easily defined. However, it 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. Individuals are protected in law if they whistleblow about any of the following:

- A criminal offence, for example you are aware of financial fraud by the School;
- A member of staff or pupils' health and safety is in danger;
- Risk or actual damage to the School grounds;
- A miscarriage of justice;
- The School is breaking the law: for example, it does not have the right insurance; or
- You believe a member of staff is covering up wrongdoing.

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). Staff may also wish to contact the Advisory, Conciliation and Arbitration Service (Acas) or the whistleblowing charity, Protect (protect-advice.org.uk), for more guidance.

4 CONFIDENTIALITY AND ANONYMITY

Members of staff 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 that to preserve confidentiality, 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, the Police will, in all cases, be informed.

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the School.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

5 THE INVESTIGATION

Any member of staff is at liberty to express their concern to the Headmaster or Head of the Prep School, the Deputy Head or the Bursar.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff 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 the member of staff should receive feedback on the investigation and any conclusions reached within 10 working days. The School may use mediation or dispute resolution if necessary.

All responses to the complainant will be in writing and sent to their home address.

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 with the Governors.

6 EXTERNAL PROCEDURES

Where all internal procedures have been exhausted, or staff and 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.

A member of staff shall have a right of access to external persons/bodies. This may include, depending on the subject matter of the disclosure, 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). If a member of staff decides to whistleblow to a prescribed person rather than the School, they must make sure that they have chosen the correct person or body for their issue. There is a useful list of prescribed bodies/persons published at Gov.uk: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances 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; or
- where the Secretary of State has ordered it.

Members of staff are strongly encouraged to take advice before making external disclosures as a failure to follow the statutory procedure could mean that your employment rights are not protected. This may be from a teaching union or from <https://protect-advice.org.uk/>

7 MALICIOUS ACCUSATIONS

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

8 PROTECTION FROM REPRISAL OR VICTIMISATION

No member of the 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.

Guidance: *Working Together to Safeguard Children* (2018)
Keeping Children Safe in Education (DfE, 2023)
Whistleblowing: list of prescribed people and bodies (Gov.uk, 2023)
<https://www.gov.uk/whistleblowing> - accessed Sept, 2023

Linked Policies: Staff Code of Conduct; Safeguarding Policy & Procedures; Health and Safety Policy