

WHISTLEBLOWING POLICY – WHOLE SCHOOL

REVIEWED – FEBRUARY 2023 (NS)

GOVERNOR REVIEW – FEBRUARY 2023

1. Policy statement

1.1 We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

2. About this policy

2.1 The purpose of this policy is:

- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- (b) To provide staff with guidance as to how to raise those concerns.
- (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2.2 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time

3. Who does this policy apply to?

3.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

4. Who is responsible for this policy?

4.1 The Board of Governors has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the Headmistress.

4.2 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headmistress.

5. What is whistleblowing?

5.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) bribery
- (g) facilitating tax evasion
- (h) financial fraud or mismanagement;
- (i) breach of our internal policies and procedures
- (j) conduct likely to damage our reputation or financial wellbeing;
- (k) unauthorised disclosure of confidential information;
- (l) negligence;
- (m) the deliberate concealment of any of the above matters.

5.2 A **whistle-blower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

5.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure.

5.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at **Error! Bookmark not defined.Error! Reference source not found.** above (for example, a breach of our internal policies), you should discuss with the Headmistress.

5.5 If you are uncertain whether something is within the scope of this policy you should seek advice from the headmistress whose contact details are at the end of this policy.

6. Raising a whistleblowing concern

6.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They

may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Headmistress.

- 6.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- (a) The Headmistress
 - (b) The Board of Governors

Contact details are set out at the end of this policy.

- 6.3 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 6.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the Head or Chair of Governors (if the concern is about the Head) should urgently consult the LEA officer designated to lead on child protection (LADO). However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the Governing Body or where the Head or Chair of Governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

Disclosure Procedures:

- The concern should be raised with the Head, possibly verbally initially but also in writing. The concern should detail the background and history of the concern and the reason for the particular concern
- The Head will treat the matter confidentially and will acknowledge receipt of the concern in writing within **five working days**, giving an indication of how and by whom the concern will be dealt with
- If the Head believes the concern to be genuine and that it is appropriate to use the Whistle Blowing Procedure, she will immediately contact the Chair of Governors, who will act as Assessor
- The Chair will interview the person raising the concern, in confidence, within **seven working days** or immediately if there is a danger of loss of life or serious injury. At

this meeting, the person raising the concern may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the School staff to take notes. The interview can be arranged off-site if required. All involved must maintain total confidentiality.

- The Chair will obtain as much information as possible from this person about the grounds for the belief of malpractice and consult with this person about further steps which could be taken
- The Chair will advise this person of the appropriate route if the matter does not fall under the School's Whistle Blowing Procedure
- The Chair will report all matters raised under this procedure to the Vice Chair of the Governing Body
- Within **ten working days** of the interview, the Chair as Assessor will recommend to the Head one or more of the following (or to the Vice Chair if it is alleged that the Head is involved in the alleged malpractice):
 - (i) The matter be investigated internally by the School
 - (ii) The matter be investigated by financial auditors appointed by the School
 - (iii) The matter be reported to the DfE
 - (iv) The matter be reported to the Police
 - (v) The route for the member of staff to pursue the matter if it does not fall within this procedure; or
 - (vi) That no further action be taken by the School (because, for instance, that there is no evidence that the malpractice has occurred or that the matter is already subject to the proceedings under one of the School's other policies or procedure)

In the absence of consent, the Assessor will not reveal the identity of the person except:

- (i) Where the Assessor is under a legal obligation to do so
- (ii) Where the information is already in the public domain
- (iii) On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice
- (iv) Where it is essential that the person raising the concern provides evidence at a disciplinary hearing or other proceedings

The conclusion of any agreed investigation will be reported by the Assessor to the person raising the concern **within twenty eight working days**. This response will be made in writing and sent to the person's home address.

It is the responsibility of the Chair and the Head to ensure that the person raising the concern is protected from any form of victimisation or discrimination.

7. Confidentiality

7.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

7.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to their line manager and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

8. Investigation and outcome

8.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

8.2 In some cases we 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 us to minimise the risk of future wrongdoing.

8.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

8.4 If we conclude that a whistle-blower has made false allegations maliciously, the whistle-blower will be subject to disciplinary action.

9. If you are not satisfied

- 9.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 9.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 6.

10. External disclosures

- 10.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 10.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 10.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager.

11. Protection and support for whistle-blowers

- 11.1 It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 11.2 Whistle-blowers 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 you believe that you have suffered any such treatment, you should inform the Head immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 11.3 You must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

12. Contacts

Headmistress	NAME Nicola Smillie TELEPHONE 01625 583028
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	E-MAIL nsmillie@aesg.co.uk
Chairman of the Governors	NAME Keith Lowe TELEPHONE 07919214697 E-MAIL krlowe@aesg.co.uk
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 E-mail: info@protect-advice.org.uk Website: https://protect-advice.org.uk/contact-protect-advice-line/