



St Hilary's School

Whistleblowing Policy

Introduction

Employees are often the first to realise that there may be something seriously wrong with their school. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrongdoing at work.

The school's Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, they encourage employees and others with genuine concerns about any of the School's or Governing Body's work to come forward and voice those concerns. This policy document makes clear that employees can do so without fear of reprisals. The Whistleblowing Policy is intended to encourage and enable employees to raise such concerns within their school rather than overlooking the problem or blowing the whistle outside.

The procedure allows School-based employees to raise concerns about the management of the School with the Governing Body and to raise concerns about the Governance of the School with Senior Staff.

Aims and Scope of this Policy

This policy aims to:-

- Provide avenues for an employee to raise genuine concerns and receive feedback on any action taken.
- Allow an employee to take the matter further if they are dissatisfied with the Governing Body response.
- Reassure employees that steps will be taken to protect them from reprisals or victimisation for whistleblowing in good faith.

There are existing procedures in place to enable an employee to lodge a grievance relating to their own employment. This Whistleblowing Policy is intended to cover genuine concerns that fall outside the scope of other procedures.

That concern may be about something that:-

- Is unlawful
- Is against the Governing Body's policies
- Falls below established standards of practice
- Amounts to improper conduct
- Is a Health and Safety risk, including risks to the public as well as pupils or other colleagues
- Is damaging the environment

The procedure will be communicated to all School employees as well as agency workers and supply teachers working in the School on a temporary basis.

Safeguards

Harassment or Victimisation – The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Governing Body will not tolerate harassment or victimisation and will take action to protect an employee who raises a concern in good faith. However, should an employee feel they have suffered harassment, either directly or indirectly as a result of raising a concern, they should refer to the School’s Anti-Bullying Policy.

Confidentiality – The Governing Body will do its best to protect an employee’s identity when they raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

Anonymous Allegations - An employee is strongly encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken is at the discretion of the Governing Body.

Malicious or vexatious allegations – If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken.

How to raise a concern

As a first step, an employee should normally raise concerns with their immediate line manager or the Headmistress. This depends, however, on the seriousness and sensitivity of the issues involved and who the employee thinks may be involved in the malpractice. For example, if the employee believes that their line manager is involved, they should approach the Headmistress. If an employee thinks the Headmistress may be involved then the Chair of Governors should be approached. In the case of a Safeguarding concern it should be reported directly to the Headmistress or Chair of Governors in the Headmistress’ absence. If the allegation concerns the Headmistress the person receiving the allegation should immediately inform the Chair of Governors without notifying the Headmistress. (see Safeguarding Policy) If the concern is about the Governing Body then the matter should be raised with the Senior Leadership Team.

The earlier a concern is expressed, the easier it is for the Governing Body to take action.

Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels maybe open to them:

General guidance can be found at – Advice on whistleblowing

<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

The NSPCC whistleblowing helpline 0800 028 0285 8:00 AM to 8:00 PM or email help@nspcc.org.uk

How the Governing Body will Respond

The action taken by the Governing Body will depend on the nature of the concern. The matters raised may:-

- Be investigated internally
- Be referred to the Police
- Be referred to an external Auditor
- Form the subject of an independent enquiry

In order to protect individuals and the Governing Body, initial enquires will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. Safeguarding or discrimination issues) will normally be referred for consideration under those procedures. (according to the guidance in KCSE 2016).

Some concerns may be resolved by agreed action without the need for an investigation.

Within ten working days of a concern being received, the Governing Body will write to the employee raising the concern:-

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matters
- Giving an estimate of how long it will take to deal with the matter
- Telling the employee whether any initial enquires have been made, and
- Telling the employee whether further investigations will take place, and if not, why not.

When any meeting is arranged to discuss the concerns raised, the employee who raised the concern has the right, if they wish, to be accompanied by a trade union representative or a work colleague who is not involved in the area of work to which the concern relates and who also could not be called as witness.

The Governing Body will take steps to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings, the Governing Body will advise the employee about procedure.

The Governing Body accepts that the employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the employee will receive information about the outcome of any investigations.

Any person who is subject to an allegation should, at the appropriate times, be given details of the allegation in order to respond. They will have the right to trade union representation.

How the matter can be taken further

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an independent person such as a solicitor.

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;
- 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 Procedure.

Appendix 1 – Examples of Concerns

This list illustrates the kind of issues the School would consider as malpractice or wrongdoing that could be raised under this Whistleblowing Policy. However, this list is not exhaustive.

- Poor or unprofessional practice by a member of staff or governor which results in someone being disadvantaged for no good reason.
- Improper/unacceptable behaviour towards someone which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain
- Any unlawful activities, whether criminal or in breach of civil law
- Fraud, theft or corruption
- Concerns regarding possible breaches of Health and Safety regulations
- Harassment, discrimination, victimisation or bullying of employees and/or children.
- Leaking confidential information in respect of School or Governing Body activities and/or records
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time
- Inappropriate contact with members of the public within School facilities, or whilst carrying out Governing Body duties or outside working time
- Taking gifts or inducements
- Inappropriate use of external funding or School budget
- Breach of any Statutory Code of Practice
- Breach or failure to implement or comply with any Governing Body policy
- Misuse of School assets, including computer hardware and software, buildings, stores, vehicles.

AUTHOR: DSL

READ & APPROVED BY: The Headmistress, Governors and St Hilary's Senior Leadership Team.

READ & SHARED: with all staff at St Hilary's School.

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