

Moon Hall School, Reigate

Whistleblowing Policy

Governor responsibility	Full Governing Body
Governor lead	Chair of Governors
Status & review cycle	Statutory Annual
Policy details	February 2018
Next review date (date and version)	January 2019

Introduction.

Moon Hall School, Reigate's Whistle Blowing Policy is in place to enable Moon Hall to take effective action to address any concerns that staff may have, and potentially avoid regulatory breaches or reputational damage to the School or the Trust.

All staff are protected against detriment or dismissal due to "blowing the whistle" on illegal practices in the workplace (Employment Rights Act 1996 and Public Interest Disclosure Act 1998). PIDA amended the ERA 1996 to introduce protection for workers who "blow the whistle" on wrongdoing at work. As a result, staff will not be dismissed or suffer any detriment at work as a result of making a "protected disclosure".

Aims of this policy.

- Remind staff of the standards of behaviour expected of them.
- To encourage staff to feel confident in raising serious concerns, and to provide a route for genuine concerns to be raised, which by passes the person, or part of the School to which the concern relates.
- To outline the procedures for investigating disclosures and what steps might be taken if wrongdoing is uncovered.
- To ensure that staff receive a response to their concerns and ensure that they are aware of how to take concerns further if they are not satisfied.
- To outline what will happen to those who victimise genuine whistle-blowers or abuse the whistleblowing system by lodging malicious allegations.
- To reassure staff that steps will be taken to protect them from reprisals or victimisation for whistleblowing in good faith.
- To provide access to further sources of advice and guidance on whistleblowing.

Scope of the Policy.

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment.

This policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998, including:

- Offences or a breach of law
- Action against the Governing Body's policies
- Action that falls below established standards of practice
- Actions that amount to improper conduct
- Health and Safety risk, including risks to the public, pupils or other staff.
- Damage to the environment
- Information relating to the above issues that has been or is likely to be deliberately concealed.

Procedure

This procedure is separate from the School's adopted procedures regarding grievances. Employees should not use the whistle-blowing procedure to raise grievances about their personal employment situation.

This procedure is to enable employees to express a legitimate concern regarding suspected malpractice within the School, and potential failures in the school's safeguarding regime, these concerns should be in the public's interest.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, 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.

Safeguards – Protected Disclosures.

The purpose of the *Protected Disclosures Act* (the Act) is to encourage people to report serious wrongdoing in their workplace by providing protection for employees who want to 'blow the whistle'. This applies to public and private sector workplaces. (*Public Interest Disclosures Act, 1998*).

Harassment or Victimisation – The Governing Body recognises that the decision to report a concern can be difficult, due to the fear of reprisal. Harassment or victimisation of genuine whistle-blowers will not be tolerated by the Governing body. Staff who raise a concern in good faith will be protected.

Should a member of staff feel that they have suffered direct or indirect harassment, as a result of raising a concern, they should refer to Moon Hall School's Anti-Bullying Policy.

Confidentiality – The Governing Body will do its best to protect an employee's identity when concern is raised. However, it must be appreciated that the source of the information and a statement by the member of staff may need to be revealed as part of the investigation and evidence gathering process.

Employees 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 orally rather than in writing, although employees are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity the Police will be informed

Confidentiality is not guaranteed where concerns relate to the welfare or safety of children. See Safeguarding Policy.

Anonymous Allegations – Staff are strongly encouraged to put their name to any allegation, as anonymous allegations are much less powerful. Anonymous

allegations will however be considered, and action taken at the discretion of the Governing Body.

Malicious or vexatious allegations – Allegations made in good faith, but not confirmed following investigation, will not cause any action to be taken against the member of staff who brought the allegation. If, however, a member of staff makes a malicious or vexatious allegation, disciplinary action may be taken.

How to raise a concern

Staff should initially raise concerns, or suspicions with their immediate line manager or the Headmistress, and should try to pinpoint exactly what practice is concerning them, and why.

- 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 DSL, DDSL or Chair of Governors, in the Headmistress' absence. If the allegation concerns the Headmistress, the Chair of Governors should immediately be informed without notifying the Headmistress. (see Safeguarding Policy).
- If the concern is about the Governing Body then the matter should be raised with the Headmistress; or should the whistle blower feel the need to involve a person external to the school, his/her trade union/professional association.

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 internally, or feels that genuine concerns are not being addressed, other whistleblowing channels maybe open:

- <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowingadvice-line/>
- NSPCC whistleblowing helpline 0800 028 0285 8:00 AM to 8:00 PM
- Email help@nspcc.org.uk
- <https://www.gov.uk/whistleblowing>

Investigation

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) be referred for consideration under those procedures (according to the guidance in KCSIE September 2016).

Internal Investigation

Any concern raised will be investigated thoroughly and in a timely manner. The member of staff making the allegation will be kept informed of progress and, wherever possible and subject to third party rights, will be informed of the resolution.

If applicable to the circumstances, Moon Hall School, Reigate will take steps to provide mediation and dispute resolution for all parties involved.

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.

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 KCSIE September 2016).

Some concerns may be resolved by agreed action without the need for an investigation. In the event of an investigation involving the Governing Body, will acknowledge receipt of the allegation within 24 hours. The formal procedure will then run along the same timescale as detailed in the complaints procedure:

- 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.

The staff member who raised the concern has the right to be accompanied to meetings investigating complaints 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 the member of staff may experience as a result of raising a concern. Regular updates will be provided regarding the investigation and information to assure the whistle-blower that the matter has been properly addressed. Subject to legal constraints, the staff member 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, and will have the right to trade union representation.

External Investigation

Where all internal procedures have been exhausted, staff have a right of access to a complaints panel made up of two people independent of the school and the complaint. This would usually be co-ordinated by the Compliance Manager.

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 member of staff 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

Provided that whistleblowing is carried out in good faith, it does not matter if concerns are mistaken or unfounded. However, false, malicious, vexatious or frivolous accusations will be dealt with under the School's Disciplinary Procedure and may, depending on the seriousness, be regarded as gross misconduct.

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 follow the Whistleblowing procedures. Moon Hall School, Reigate will not tolerate harassment or victimisation of members of staff who have raised genuine concerns.

Further advice and support

It is recognised that speaking out can be difficult and stressful. Advice and support is available from the Headmistress, Chair of Governors and/or staff members professional or trade union.

There are circumstances when individuals may wish to seek independent advice before taking a matter forward. The charity Public Concern at Work provides free, confidential advice to workers who have concerns about wrongdoing in the workplace.

Please see the website <http://www.pcaw.co.uk> for further information.

Please see the Anti Bullying Policy, Staff Code of Conduct Policy and Safeguarding Policy in conjunction with this policy.

Copies can be found on Moon Hall School, Reigate website, and are available at Reception.

Information and advice on whistleblowing can also be obtained from:

NSPCC -0800 0280285, 8:00 am to 8:00 pm.

<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicatedhelplines/whistleblowingadvice-line/>

Email help@nspcc.org.uk

Government Whistleblowing advice and information:

<https://www.gov.uk/whistleblowing>