

The Sandon School



WHISTLEBLOWING POLICY

Last Adoption Date: March 2018

Next Review Date: January 2021

THE SANDON SCHOOL

WHISTLEBLOWING POLICY

Introduction

1. The Governors of The Sandon School seek to run all aspects of school business and activities with high standards of conduct, accountability and integrity. In the event that a governor, a member of staff, a parent or any member of the school community becomes aware of activities which give cause for serious concern The Sandon School has established a Whistleblowing Policy. This policy acts as a framework to allow for serious concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to endeavour to bring it to a satisfactory conclusion.
2. The Sandon School accepts that Whistleblowing is generally considered an action by staff but has decided that others should also be involved. The Sandon School is committed to comply with the Public Interest Disclosure Act 1998 as amended by the Enterprise and Regulatory Reform Act 2013 and all law now or in the future regarding legislation that relates to making a disclosure in the public interest. This policy aims to encourage staff and others who have serious concerns to come forward and voice those concerns. It is not disloyal to speak up if there is wrongdoing.
3. Throughout this policy, the term whistleblower denotes the person raising the concern or making the complaint. The Sandon School recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse when necessary to external parties. In certain circumstances there is no guarantee that the identity of the whistleblower will be concealed.
4. The Sandon School is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion may raise the matter with full confidence that it will be appropriately considered and resolved. This Policy is not suited to concerns raised anonymously but they may be considered depending on the seriousness of the issue raised and the credibility of the concern.
5. The provisions of this policy apply to matters of serious concern and not matters of more general complaint which should be dealt with under The Sandon School complaints policy procedures. Matters relating to the personal disadvantage of a member of staff should be dealt with through The Sandon School employment policies and procedures. This policy is not to be used for minor failures. This policy is not intended to replace other policies and procedures. Any unnecessary over-zealous reporting may be inappropriate and counter-productive.
6. This policy seeks to reduce the risk of abuse of all kinds to vulnerable people such as children and young adults. All staff, governors and other members of the school community should be aware of their duty to raise concerns where necessary under the Safeguarding (including Child Protection) Policy of the school.

When might the whistleblowing policy apply?

7. The type of activity or behaviour which The Sandon School considers may be dealt with under this policy includes:
 - (a) Any unlawful act whether criminal or a breach of civil law including a miscarriage of justice
 - (b) Maladministration
 - (c) Breach of any Statutory Code of Practice
 - (d) Breach of or failure to implement or comply with Financial Regulations or Company Rules of The Sandon School
 - (e) Any failure to comply with appropriate professional standards and potential gross misconduct and malpractice
 - (f) Fraud, theft, corruption, dishonesty and impropriety. Unauthorised use of public funds or other assets
 - (g) Actions which are likely to cause physical danger to any person or give rise to a risk of significant damage to property or the environment
 - (h) Loss of income to the School
 - (i) Abuse of Power, or the use of the School's powers and authority for any unauthorised or ulterior purpose. Other unethical conduct
 - (j) Unlawful discrimination in employment or the provision of education
 - (k) Any other matter that cannot be raised under any other procedure or policy of The Sandon School
 - (l) Other protected disclosure as provided for or envisaged by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013
 - (m) Deliberate concealment of information about anything as listed above
8. All staff must remember that a complaint or allegation of any significance against them must be reported to their line manager.

What action should the whistleblower take?

9. The Sandon School encourages the whistleblower to raise the matter internally in the first instance to allow the school to right any wrong and to give an explanation for the behaviour or activity. The whistleblower should proceed if they have a genuine and justified suspicion of wrong doing though they cannot point to concrete evidence. The whistleblower should raise the matter in person by telephone or in written form marked "Private and Confidential" with the Headteacher, or if the Headteacher is involved directly with the matter in writing with the Governor who is the Responsible Officer. If there is any uncertainty as to whether the Headteacher or the Responsible Officer should be the initial investigating officer this may be referred by any person to the Chair of Governors to determine. The Chair of Governors if appropriate may substitute another Governor for the Responsible Officer. All correspondence for the Responsible Officer or the Chair of Governors should be marked "Private and Confidential to be opened by addressee only" and delivered to the Clerk to the Governing Board at the School. All matters will be treated in strict confidence and anonymity will be respected wherever possible.
10. Alternatively if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the school the matter could be directed in the first instance to the External Auditor. This is in particular important if the concern is of a financial nature. It would not

be appropriate if the issue involved Safeguarding or if it should be referred immediately direct to a prescribed body.

The external auditor is:

Mr Stewart Martin of Edmund Carr LLP 146 New London Road Chelmsford CM2 0AW
Tel 01245 261818

11. The External Auditor has their own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The External Auditor may delegate responsibility to the person providing external responsible officer services to the School. They will ensure that the relevant officers of the Department for Education; Education and Skills Funding Agency, Health and Safety Executive, the Police or other prescribed body are informed if appropriate.
12. In exceptional circumstances the whistleblower should refer matters direct to a prescribed body having a regulatory function as published by the government from time to time. Examples are given above of the Department for Education, Education and Skills Agency, Health and Safety Executive and the Police. Further information on prescribed bodies can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf

Advice for the Whistleblower

13. Information and advice can be obtained from Trade Union or Professional Association Representatives or from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work
CAN Mezzanine
7-14 Great Dover Street
London SE1 4YR
Tel: 0207 404 6609
Email: services@peaw.co.uk

Additionally, the whistleblower page on www.gov.uk provides further information.
Please remember at any stage you may take your own legal advice.
Be careful who you discuss matters with if that could prejudice the investigatory process.

How will the matter be progressed?

14. In the event of an internal investigation the internal investigating officer will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The internal investigating officer may direct the matter be dealt with under another policy or procedure. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of staff, External Advisers, the Police, Essex County

Council, the Department for Education, the Education and Skills Funding Agency and the Health and Safety Executive.

15. Please remember the testing of your concerns by the investigating officer is not the same as accepting or rejecting them. The investigating officer must be fair to everyone including people wrongly or mistakenly accused. Your concern will be handled as quickly as possible. The investigating officer may require a meeting and this may be in a location away from the School. You may bring a trade union or professional association representative, a colleague, a friend or lawyer with you.
16. Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer, possibly in conjunction with the Chair of the Governing Board, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of action under another policy or procedure or referral to a third party such as the legal advisers of the school..
17. The whistleblower will be informed so far as possible of the results of the investigation and the action taken to address the matter. One employee must remember it may be inappropriate to disclose disciplinary action against another employee. Depending on the nature of the concern or allegation and whether or not it has been substantiated the matter will be reported to the Governing Board. If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately the concerns should be raised with the Chair of the Governing Board.

Protecting Whistleblowers

18. All people are protected who reasonably believe they make a disclosure in the public interest. The Sandon School seeks to respect the confidentiality of the whistleblower but cannot guarantee your identity will be concealed.
19. Staff must feel confident and secure about reporting wrong doing without risking accusations of disloyalty or damaging their career prospects. They may be asked to consider temporary redeployment in particular when an investigation is proceeding.
20. Staff who make a "protected disclosure" are protected from being subjected to a detriment or being dismissed as a result of making a disclosure relating to:
 - a). a breach of any legal obligation
 - b). a miscarriage of justice
 - c). a criminal offence
 - d) a danger to the health and safety of any individual
 - e) damage to the environment, anddeliberate concealment of information about any of the above a to e

Staff raising the concern must reasonably believe they are doing so in the public interest.

21. The Sandon School will not tolerate any attempt to victimise or harass the whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

22. If the whistleblower has anxieties the school will provide support from its own staff or engage an external counselling service if appropriate.

Raising unfounded malicious concerns

23. Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge that they will be taken seriously and have nothing to fear. If individuals raise unfounded malicious concerns or attempt to make mischief or act for personal gain, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. This could result in dismissal.

Conclusion

24. Existing good practice within The Sandon School in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the school operates should ensure that cases of suspected fraud, theft, impropriety, potential gross misconduct or malpractice rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that genuine concerns are taken seriously and will be actioned.
25. This policy will be well publicised. It will be reviewed at least every three years. It was adopted by the Governing Board on 19 March 2018.