

# RAMILLIES HALL SCHOOL AND NURSERY

## WHISTLE-BLOWING POLICY



### 1. INTRODUCTION

At Ramillies Hall School and Nursery, we are committed to safeguarding and promoting the welfare of all children and adults.

Whistleblowing is the disclosure or communication of information about possible malpractice by individuals or the School/Nursery. Disclosure can either be internal within the School/Nursery or external to an outside authority.

A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

References in this document to “the School” include the Nursery departments unless otherwise indicated.

This policy should be read in conjunction with the School’s Safeguarding Policy and Procedure

### 2. OUR COMMITMENT

The School is committed to the highest possible standards of openness, integrity and accountability.

The School encourages all members of staff and pupils to raise any genuine concerns about malpractice or impropriety at the earliest practicable stage. This policy sets out a process whereby employees and pupils who have concerns about malpractice or impropriety may, in good faith, raise those concerns at a high level in the School, outside of normal line management, and without fear of detriment. The procedure also seeks to balance the need to provide safeguards for members of staff and pupils who raise genuine concerns about malpractice or impropriety against the need to protect other members of staff, pupils, and the School against uninformed or vexatious allegations.

### 3. AIM

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. Such matters could include:

- Corruption, bribery or blackmail
- Abusive or inappropriate behaviour towards other adults or children (See Safeguarding Policy and Procedures)
- Criminal offences
- Failure to comply with a legal or regulatory obligation
- Miscarriage of justice
- Endangering the health or safety of any individual
- Endangering the environment

- Improper use of authority
- Serious financial maladministration arising from the deliberate commission of improper conduct

This Policy makes it clear that staff and pupils can speak up without fear of harassment, victimisation, discrimination or disadvantage. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or other procedures that already affect the member of staff. There will be no 'come back' if a member of staff reasonably believes that they have made a disclosure in good faith.

#### **4. THE PUBLIC INTEREST DISCLOSURE ACT 1998**

Ramillies Hall School is run in accordance with the Public Interest Disclosure Act 1998 which protects a worker from victimisation and dismissal following disclosure by the worker of a matter threatening the public interest, as long as the case satisfies the detailed conditions set out in the Act. To be protected, the worker must make a "qualifying disclosure" and ensure that it is made in one of the ways described in the Act.

A "Qualifying disclosure" is any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:

- That a criminal offence has been, is being or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject. This includes any contractual or other common law obligation, statutory duty or requirement or administrative law requirement. It could include academic or professional malpractice or a failure to comply with any rules, regulations or codes of practice of the institution.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health and safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- That information tending to show any of the above has been is being or is likely to be deliberately concealed.

These acts can be in the past present or future so that, for example, a disclosure qualifies in relation to environmental damage that has happened, is happening or is likely to happen.

The Act places responsibilities upon the worker making a disclosure. In most cases, the worker must raise the matter internally first. The matter must be raised in good faith – it must be done from a reasonable and honest (even if mistaken) belief, and must not be motivated by personal antagonism or gain.

If the matter is raised externally the whistleblower will still be protected in law if disclosed to the following:

- A legal adviser in the course of getting legal advice
- A Minister of the Crown
- One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).

Disclosure to any other person is not generally protected except in very limited circumstances.

If the whistleblower has not complied with the conditions of the Public Interest Disclosure Act in any respect, he or she may have committed a fundamental breach of contract by disclosing confidential information belonging to the employer.

As an employee, the whistleblower may also have fundamentally breached the duty of trust and confidence owed to the employer and may therefore be liable to the School's disciplinary procedures.

## 5. PROCEDURE

The School and Nursery already has in place policies and procedures relating to the conduct of staff and pupils, including, the Staff Code of Conduct, the staff discipline and grievance procedures in the Employee Handbook, the School Rules, the Anti-Bullying Policy, the Behaviour Rewards and Sanction Policy and the Parent Handbook. Allegations of injustice, discrimination or malpractice against individuals should normally be raised under these established procedures. The Public Interest Disclosure Act, which this School's Whistleblowing Policy is intended to reflect, relates to concerns about matters of public interest which may need, at least initially, to be investigated separately by senior managers.

This procedure applies to disclosure by an employee, an agency contract worker or by a pupil at the School, who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the school.

An individual may seek a confidential meeting with the Principal or Nursery Manager to discuss whether it would be appropriate to make a formal disclosure under this procedure. An individual seeking or taking part in such a meeting is guaranteed the same protection against personal detriment as is given under the procedure to someone making a formal disclosure, whether or not a formal disclosure follows.

This policy does not replace the School's Complaints Procedure

- **Making a Disclosure**

The person making the disclosure should, as soon as practicable, disclose in confidence the grounds for the belief of malpractice or impropriety to one of the 'reportees' (either of the Joint Head teachers, the Bursar or the Nursery Manager)

Any disclosure, wherever possible, should be in writing on a 'note of concern' and should provide as much supporting written evidence as possible about the grounds for his or her belief.

- **Actions of the Reportee**

- A reportee may decline to become involved on reasonable grounds. Such grounds include previous involvement or interest in the matter concerned, incapacity or unavailability or that the reportee is satisfied that a different reportee would be more appropriate to consider the matter in accordance with this procedure.
- On receipt of the disclosure, the reportee will offer to interview, in confidence, the person making the disclosure. Such an interview will take place as soon as practicable after the initial disclosure. The purpose of the interview will be for the reportee to obtain as much information as possible about the grounds of the belief of malpractice and to consult about further steps which could be taken. The person making the disclosure may be accompanied by a local trade union representative or work colleague at the interview. The reportee may be accompanied by an administrative assistant to take notes. The notes will not identify the person making the disclosure. For safeguards in relation to confidentiality (see below).
- Where the reportee is satisfied that this whistle-blowing procedure is appropriate, they will decide on the nature of the investigation of the allegations. This may be an internal investigation by school staff; or referral of the matter to the police or other appropriate public authority; or the commissioning of an independent enquiry.

- If the reportee decides that the whistle-blowing procedure is not appropriate in respect of the matter disclosed, they shall inform the discloser, giving reasons in writing. These could be on grounds that that the matter should be, is already or has already been the subject of appropriate proceedings under one of the school's other procedures relating to staff or pupils; or that it is already the subject of legal proceedings, or has already been referred to the police or other public authority; or of reasonable doubt as to the discloser's good faith and/or reasonable belief about malpractice or impropriety.

- **If the Discloser is Not Satisfied with the Reportee's Decision**

The discloser may then consider whether to refer the allegations of malpractice or impropriety to an external agency (see section 7 below).

- **Protection for the Discloser**

The School wishes to offer support to workers or pupils who may be considering whether to make a disclosure, but have reservations about raising concerns at a high level, or other difficulties which might affect their ability to initiate action under this procedure. This could include issues relating to ethnicity, culture or disability.

Subject to the paragraph below, the School will not (and it will use all reasonable endeavours to ensure that its employees do not) subject the discloser to any detriment on the grounds of the disclosure of information under this procedure. The person making the disclosure should report any complaints of such treatment to the reportee. If the discloser wishes the reportee to take action in relation to such complaints, the discloser may be asked to consent in writing to the reportee revealing the discloser's identity for the purposes of any such action.

No disciplinary action will be taken against anyone for making a disclosure in accordance with this procedure. This will not prevent the School from bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where an external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to an appropriate public authority.

- **Investigation and Outcomes**

The reportee will ensure that the investigation is not carried out by any person with an involvement in the matter disclosed or who might ultimately have to reach a decision in the matter. The person or persons against whom an allegation is made will be told of it and of the evidence supporting it, and will be given full opportunity to offer refutation, explanation or mitigation before the investigation is concluded.

Where the discloser participates in an investigation, that participation will usually be required to be on an open rather than a confidential basis, although the obligations of the reportee will remain in relation to the identity of the individual as the original discloser of information under this procedure.

The reportee will receive from the investigators a written report setting out their conclusions and recommendations for further action. The reportee will liaise with appropriate members of the School's Senior Management Team as to the implementation of any recommendations. The reportee will also inform the discloser of the recommendations. Where allegations of malpractice or impropriety on the part of a named individual are substantiated, the reportee will consider whether the matters should be referred for action under staff or pupil disciplinary procedures.

A formal account of the investigation and outcomes shall be made to Joint Head teachers.

- **Safeguards**

The investigation, and any report or recommendations in relation to the matter, will not normally identify the discloser except, where necessary, on a strictly confidential basis to the reportee's administrative assistant or to a professionally qualified lawyer for the purpose of obtaining legal advice, unless:

- the discloser consents
- there are grounds to believe that the discloser has acted maliciously
- the reportee is under a legal obligation to do so
- the information is already in the public domain
- it is essential to do so in order to deal appropriately with the matter disclosed (for example, if the anonymity of the discloser is incompatible with a fair investigation of allegations against a named individual).

Where the discloser involves a local trade union representative or other colleague in this procedure, the discloser will be under an obligation to use all reasonable endeavours to ensure that the representative or colleague keeps the matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

- **External Disclosure**

If, having followed this procedure, the person making the disclosure is not satisfied with the outcome of any investigation or further action taken by the school, they may raise the matter on a confidential basis directly with the police or other appropriate public authority, to include the Health and Safety Executive, the Environment Agency, the Information Commissioner, the Department for Education, the Department for Business, Enterprise and Regulatory Reform, the Charity Commission and the Office for Standards in Education, Children's Services and Skills. Before taking any such action, the discloser will inform the reportee. The reportee will advise the discloser on the requirements of the Public Interest Disclosure Act relating to external disclosures.

The discloser may also raise the matter externally, as set out in the paragraph above, if they have reasonable grounds for believing that they will be subjected to a detriment as a result of making the disclosure, or that all the available reportees are involved in the alleged malpractice.

The discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

If you have any queries about this procedure you should contact the Principal.

## **6. ARRANGEMENTS FOR REVIEWING THE SCHOOL'S WHISTLE-BLOWING POLICY**

This policy will be reviewed annually by the Joint Headteachers and the Designated Safeguarding Leads. They will also scrutinise the procedures and the efficiency with which duties have been discharged. Any deficiencies or weaknesses in the policy, procedures or arrangements will be remedied without delay.

Written By	Charlotte Poole
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