


# MERTON COURT SCHOOL



## WHISTLE BLOWING POLICY AND PROCEDURE

To be reviewed by: Headmaster/Proprietor, Advisory Board & DSL
Signed by the Headmaster/Proprietor: 
Shared with staff: 11/10/17
Put on Website: 11/10/17
Reviewed on the 10 <sup>th</sup> October 2017

### Purpose & overview

The school is committed to maintaining a culture of openness, accountability and integrity. We seek to ensure that employees feel secure in raising concerns about any activity which may harm individuals or undermine the status of the school

### Introduction

1. The word whistleblowing in this policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

### **Related Documents:**

- Child Protection and Safeguarding Policy, Safer recruitment Policy, e-Safety
- Health & Safety Policy
- Anti-bullying Policy
- Behaviour Management Policy
- Employment Policies
- Curriculum Policies
- EYFS Policy

**This policy applies to the whole school including Early Years Foundation Stage (EYFS). All staff (teaching and support staff), Proprietor and volunteers working in the school.**

### **Availability**

- This policy is made available to parents, guardians, staff and pupils on request a copy may be obtained from the school office and on the school website.

### **Monitoring and Review:**

This policy will be subject to continuous monitoring, refinement and audit by the Headmaster.

The Advisory Board will undertake a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

### **Policy statement**

2. Merton Court School is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life, and in all of its practices. Emphasis is placed on creating a culture that enables issues about safeguarding and promoting the welfare of all to be addressed. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

### **Other policies and procedures**

3. Merton Court School has a range of policies and procedures, which deal with standards of behaviour and conduct at work; they cover Discipline, Grievance, Harassment, and Recruitment and Selection. Employees are encouraged to use the provisions of these procedures when appropriate. However, there may be times when the matter is not about a personal employment position and needs to be handled in a different way.

### **4. What is whistleblowing?**

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

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

### **This list is not exhaustive.**

Merton Court School will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedure.

#### **4.1 Raising a whistleblowing concern**

The School hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases they may refer the matter to the Advisory Board.

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:

- **The Headmaster**
- **The Advisory Board Member with responsibility for Whistleblowing matters**

The Headmaster will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Headmaster will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and the Headmaster should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

#### **4.2 Confidentiality**

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's

concern to know the whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'Whistleblowers' who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed below( Designated Officers) and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Headmaster knows or has a suspicion that an employee comes into this category then s/he will take advice from the Designated member of the Advisory Board who will help to determine what action should be taken.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

[Public Concern at Work \(Independent whistle blowing charity\)](#)

Helpline: 020 7404 6609  
[www.pcaw.co](http://www.pcaw.co).

E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

Website:

### **Role of Trade Unions**

5. Merton Court School recognises employees may wish to seek advice and be represented by their trade union officers when using the provisions of this policy, and acknowledges and endorses the role trade union officers may play in this area.

### **Designated officers**

6. The following people have been nominated and agreed by Merton Court School as the designated officers for concerns under this procedure. They will have direct access to the most senior person in the organisation who is Mrs Angela Macdonald Safeguarding Lead.

### **Role of Designated Officer**

7. Where concerns are not raised with the line manager, the Designated Officer will be the point of contact for employees who wish to raise concerns under the provisions of this policy. Where concerns are raised with, the Designated Office will arrange an initial interview, which will if requested **be confidential**, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In

either case, the Designated Officer will write a brief summary of the interview, which will be agreed by both parties.

### **Role of the Headmaster**

8. The Designated Officer will report to the Headmaster/Proprietor, Dominic Price, who will be responsible for the commission of any further investigation.

### **Complaints about the Headmaster**

9. If exceptionally the concern is about the Headmaster/proprietor then complaints should be directed upwardly from the designated person to LADO (via Chair of the Advisory Board) without the Headmaster being informed. This may include an external investigation.

### **The investigation**

10. The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. If the complaint is safeguarding related then the school will not undertake any investigations but will report immediately to the LADO. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of children or staff members, suspension from work may have to be considered immediately. **Protection of children and staff is paramount in all cases.**

10.1 The Designated Officer/Headmaster/Chair of Advisory Board will keep all information confidential, and will not share it with the whistleblower and follow the LADO'S advice.

10.2 If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Rules and Procedure will be used.

10.3 Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee suffers no reprisals.

10.4 Only where false allegations are made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the Disciplinary Rules and Procedure.

### **Inquiries**

11. If the concern raised is very serious or complex, an inquiry may be held.

11.1 Merton Court School recognises the contribution trade union(s) can make to an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. Merton Court School recognises that in many cases it will be desirable that one or more trade union representatives may be appointed to the panel of the inquiry.

## **Following the investigation- Outcomes**

12. The Headmaster will brief the designated officer as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken, but this will not include details of any disciplinary action which will remain confidential to the individual concerned. The feedback will be provided within one week of the outcome decision.

12.1 If the whistleblower is not satisfied with the outcome of the investigation, Executive, the Audit Commission, the utility regulators or, where justified, elsewhere.

## **The Law**

13. This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998 and Regulatory Reform Act 2013, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.

## **14. Equal Opportunities**

The whistleblowing procedure must always be applied fairly and in accordance with employment law and the School's Equality Policy.

## **Appendix 1 Summary**

### **Reasons for whistleblowing:**

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.
- What stops people from whistle blowing:
  - Starting a chain of events which spirals.
  - Disrupting the work or project.
  - Fear of getting it wrong.
  - Fear of repercussions or damaging careers.
  - Fear of not being believed.

### **How to raise a concern:**

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.

- Approach your immediate manager, Headmaster, or the Designated Child Safeguarding Officer.
- If your concern is about your immediate manager/Headmaster, or you feel you need to take it to someone outside the school contact The Chair of the Advisory Board or the Local Authority.
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

### **What happens next?**

- You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.
- No action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

### **Self-reporting**

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

### **Further advice and support**

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, or your professional trade union.

