


MERTON COURT SCHOOL



WHISTLEBLOWING POLICY AND PROCEDURE

To be reviewed by: Headmaster/Proprietor, Advisory Board & DSL
Signed by the Headmaster/Proprietor: 
Shared with staff: 13/9/22
Put on Website: 13/9/22
Review date: September 2023

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

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

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as Disciplinary Procedures for staff or the Complaints Procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance, then it must be raised through the complaints procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement, which may arise from weak management rather than malpractice.

Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

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 & e-Safety Policy
- KSCIE September 2022
- Health & Safety Policy
- Anti-bullying Policy
- Behaviour Policy
- Safer Recruitment Policy
- Curriculum Policies
- EYFS Policy
- Complaints Policy

Availability

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

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 whistle-blower (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. The school will not be able to investigate or deal with any anonymous letters or complaints. 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 Whistle-blowing matters is Mrs J Jenkins.**

The Headmaster will arrange a meeting with the 'whistle-blower' 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 'whistle-blower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistle-blower" 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 whistle-blower'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. 'Whistle-blowers' 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 whistle-blowing charity, who offer a confidential helpline. Their contact details are:

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

[Helpline: 020 7404 6609](tel:02074046609) [Email: whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) [Website: www.pcaw.co.](http://www.pcaw.co)

Inquiries

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

9.1 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

10. The Headmaster will brief the DSL as to the outcome of the investigation. The DSL will then arrange a meeting with the whistle-blower 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.

10.1 If the whistle-blower is not satisfied with the outcome of the investigation, Executive, the Audit Commission, the utility regulators or, where justified, elsewhere.

The Law

11. 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.

Equal Opportunities

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

Appendix 1 Summary

Reasons for whistle-blowing:

- 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 whistleblowing:

- Starting a chain of events which spirals.

Role of Trade Unions

5. Merton Court School agrees that 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.

Role of the Headmaster

6. If staff have any concerns about another member of staff they should report it to the Headmaster/Proprietor, Dominic Price, who will be responsible for the commission of any further investigation.

Complaints about the Headmaster

7. If exceptionally the concern is about the Headmaster/Proprietor then complaints should be directed upwardly. The Designated Safeguarding Lead should determine if the concern meets the 'Harm Threshold' or not. If this is so, it will be referred directly to the LADO (via the Chair of the Advisory Board) without the Headmaster being informed. If children are involved, then the DSL must definitely be informed. This may include an external investigation.

The investigation

8. 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.**

8.1. The DSL/Headmaster/Chair of the Advisory Board will keep all information confidential, and will not share it with the whistle-blower and follow the LADO'S advice.

8.2 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.

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

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

- 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 are able. 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 DSL.
- 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.

Safeguarding

If the Headmaster does not take complaints by staff seriously or they believe that there is a serious safeguarding issue involving the Headmaster, they should in the first instance contact the designated member of the Advisory Board.

If a member of staff is not satisfied by the school's response to a safeguarding issue, they may choose to contact the Local Authority children and social care team or speak to the NSPCC helpline (NSPCC whistleblowing helpline 0800 028 0285).

Further advice and support

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

NSPCC whistleblowing helpline: 0800 028 0285 (line is available from 8am-8pm, Monday to Friday) or email: help@nspcc.org.uk

Parents or others in the wider school community with concerns can contact the NSPCC general helpline on: 0808 800 5000 (24 helpline) or email: help@nspcc.org.uk. Address: 42, Curtain Road, London EC2A 2NH.