


# SAINT NICHOLAS SCHOOL

## WHISTLEBLOWING POLICY



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| <b>Approved by:</b>      | <br>Headmaster<br><br>Chair of Governors | <b>Date:</b> 13/04/2023 |
| <b>Last reviewed on:</b> | April 2023  |                         |
| <b>Next review by:</b>   | April 2025  |                         |

*Note: This policy applies to all sections of the School including EYFS*

This policy:

- Is non-contractual in nature;
- Applies to all members of staff except those who have not completed their probationary period;
- Can be adjusted by the School to suit specific circumstances;
- Can be varied unilaterally by the School.

Saint Nicholas School is committed to ensuring that any concerns or allegations of malpractice within the organisation are taken seriously. Employees are asked to bring any such allegations to the School's immediate attention. Ensuring a culture of critical reflection and of sharing concerns is in the best interests of the School, its pupils, its staff and the public.

In line with Government guidance, the School has clear whistleblowing procedures as outlined in this policy, which are covered in initial induction and training for all staff. The key principles can be summarised as:

- a culture of safety and of raising concerns;
- a culture of valuing staff and of reflective practice;
- procedures for reporting and handling concerns;
- provision for mediation and dispute resolution where necessary;
- training and support for staff;
- transparency and accountability in relation to how concerns are received and handled.

This policy sets out the ways in which employees should bring any concerns to the attention of the School, and explains how and in what circumstances to raise concerns outside the School to appropriate external bodies.

This policy takes into account the protection for employees, who bring matters of public interest to the attention of their employers or outside bodies, which is provided by the Public Interest Disclosure Act 1998.

## **1. Aims**

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
- Let all staff in the school know how to raise concerns about potential wrongdoing in or by the school
- Set clear procedures for how the School will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the School in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## **2. Matters covered by this policy**

Employees are asked to raise their concerns in accordance with this policy, about any of the following matters which they think are or may be taking place within the School:

- Safeguarding / Child abuse
- Fraud
- Malpractice (e.g. financial irregularities, corruption, bribery, dishonesty)

- Commission of criminal offences
- Failure to comply with legal obligations
- Miscarriage of justice
- Dangers to Health and Safety
- Dangers to the environment
- Unethical conduct

The list is not intended to be exhaustive. Employees are asked to raise any other concerns which they may have about matters which they believe threaten the interests of the School, its pupils, its staff or the public.

This procedure is not a substitute for the School's grievance procedure, and concerns about an employee's personal employment situation should be raised through the grievance procedure in the normal manner.

### **3. Definitions of whistle-blowing**

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

**A whistle-blower is a person who raises a genuine concern relating to the above.**

Not all concerns about the school count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

## **4. Procedure for staff to raise a whistle-blowing concern**

### **4.1 When to raise a concern**

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

### **4.2 Who to report to**

Staff should report their concern to the Headmaster, or if unavailable, the HR Manager. If the concern is about the Headmaster or Bursar or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of Governors.

If the employee is not satisfied that their concerns are being dealt with satisfactorily, the employee can then raise the issue with the Chair of Governors, or Vice Chair if the matter involves the Chair, who may either deal with the matter personally or nominate another Governor to deal with the matter. A further investigation will then be carried out and the employee will be informed of the outcome as far as is possible, subject to the rights of any third parties.

If, after exhausting the internal procedures set out above, the employee remains dissatisfied with the way in which their concerns have been dealt with, the employee is entitled to raise the issue with the external body most appropriate to the concern. For example, professional associations and trade unions, external auditors, the Department for Education and Skills, the Independent Schools Association, Independent Schools Inspectorate, Local Authority Designated Office (LADO) or the Health and Safety Executive.

Employees should not raise concerns with external bodies other than official regulatory bodies except in exceptional circumstances where the matter has already been raised with the School and an official external body but not satisfactorily resolved, or the employee has reasonable grounds for believing that they will be penalised for making a disclosure, to the School, or regulatory body, or they believes that evidence would be concealed or destroyed or if the failure is of an exceptionally serious nature. In these circumstances the employee must act reasonably, and in particular should think carefully about the seriousness of the allegations and the identity of the person or body with whom the concerns are going to be raised. For example, it would usually be more appropriate to bring concerns to the attention of the Police, a local MP or local councillor rather than to the media.

#### **4.3 How to raise the concern**

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## **5. School procedure for responding to a whistle-blowing concern**

### **5.1 Investigating the concern**

When a concern is received by the Headmaster or Chair of Governors - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

### **5.2 Outcome of the investigation**

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Headmaster, Chair of Governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## **6. Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the School will consider whether any disciplinary action is appropriate against the person making the allegation.