

## Whistleblowing Policy and Procedure

### 1. Policy Statement

The school is committed to the highest standards of ethical practice, behaviour and integrity among its staff and pupils. Where anyone has concerns, we hope that these can be easily resolved. The school encourages staff to speak up and report any genuine concerns of wrongdoing.

Staff should feel confident about sharing their concerns and must acknowledge their individual responsibilities to bring matters of concern, including low-level concerns, to the attention of senior management and/or relevant agencies. Although speaking up and raising concerns can be difficult, this is particularly important where the welfare of children may be at risk.

The school has adopted this policy and procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about:

- fraud,
- malpractice,
- risk to health and safety,
- criminal offences,
- miscarriages of justice,
- failure to comply with legal obligations or unethical conduct including any concerns regarding child protection.

Emanuel School is fully committed to a clear process for whistleblowing and recognises the contribution it can make to protecting children and supporting pupils in the school. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

### 2. Scope

This policy and procedure applies to all staff, volunteers and contractors, paid and unpaid, working in the school including governors. A concern raised may be related to Emanuel School specifically, or to its wider Foundation (United Westminster and Greycoat Foundation). It is not contractual and may be amended by the school from time to time.

This policy has been designed to ensure that no-one receives less favourable treatment due to the protected characteristics of age, disability, gender (including gender identity), ethnicity and race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity and social and economic background.

### 3. Aims

The policy on whistleblowing is intended to demonstrate that the school:

- will not tolerate malpractice,
- encourages staff to speak up and report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate,
- encourages a culture of safety and of raising concerns,
- encourages a culture of valuing staff and reflective practice,
- respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively,
- will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate,

- will only invoke the school's disciplinary procedure in the case of false, malicious, vexatious or frivolous allegations. The policy seeks to reassure staff that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken,
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

#### **4. Procedure**

This procedure is separate from the school's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise grievances about their personal circumstances, such as the way they have been treated at work. Anyone uncertain about whether something is within the scope of this procedure should seek advice from the headmaster or HR director.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice or wrongdoing within the school or Foundation. The disclosure does not have to be about the alleged illegal conduct of the employer, although it often is. The disclosure could be about the conduct of a fellow employee, client, or any third party.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the *Staff Code of Conduct*, criminal activities, failing to comply with a legal obligation, physical or emotional abuse of children, a miscarriage of justice or creating or ignoring a serious risk to health, safety or the environment.

A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the school or Foundation, based upon a reasonable belief that raising this concern is in the public interest. If any member of staff, contractor or volunteer has any genuine concerns related to suspected malpractice affecting any of the school's activities (a whistleblowing concern) they should report it under this procedure. A whistleblower may or may not be directly affected by the matter but the matter must also affect others.

#### **5. Confidentiality**

The school hopes that staff, contractors and volunteers will feel able to speak up and voice whistleblowing concerns openly under this policy. However, if a person wished to raise a concern confidentially, the school would make every effort to keep their identity secret. If it were necessary for anyone investigating the concern to know their identity, this would be discussed with them.

Confidentiality cannot be assured where the disclosure of the identity is required by law. For example, if there were evidence of criminal activity, then the Police would in all cases be informed.

The school does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot easily be obtained. It is also more difficult to establish whether any allegations are credible.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the headmaster or HR director so that appropriate measures may be taken to preserve confidentiality. If an individual is in any doubt, they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out below.

#### **6. Raising a Whistleblowing Concern**

All disclosures should be made with the view that it is in the public interest. This means that any such disclosure must affect others, for example, the general public, or other members of staff.

Staff, contractors and volunteers are at liberty to raise a whistleblowing concern to the headmaster, the senior deputy head, one of the deputy heads, the bursar, the HR director or the clerk to the governors (<http://westminstergreycoat.org/>) as appropriate. Concerns regarding child protection relating to another colleague should be shared immediately with the deputy head: pupils/designated safeguarding lead (DSL) and the headmaster.

In such a situation, a meeting would be arranged with the individual as soon as possible to discuss their concern. They would be able to bring a colleague or union representative to any meeting under this procedure. Their companion would need to respect the confidentiality of the disclosure and any subsequent investigation. They could be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

If individuals feel unable to raise an issue with the school or feel that their genuine concerns are not being addressed, they may use other whistleblowing channels, such as:

- Protect, an independent whistleblowing charity, previously known as Public Concern at Work Advice Line: 020 3117 2520 or via the contact form. <https://protect-advice.org.uk/>.
- The NSPCC whistleblowing helpline (Tel: 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

### **7. Investigation and Outcome**

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued.

The individual will be kept informed of progress and, whenever possible and subject to third party rights, informed of the resolution. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any action taken as a result. Everyone concerned with the process should treat any information about the investigation as confidential.

A member of staff who is not satisfied that their concern is being properly dealt with has a right to raise it in confidence with the chair of governors.

### **8. External Procedures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in school. In most cases it should not be necessary to alert anyone externally.

Where all internal procedures have been exhausted, a member of staff has a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (LADO) where the disclosure relates to a child protection issue. Where necessary the school reserves the right to make a referral on the member of staff's behalf, without their consent.

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:

- that exceptionally serious circumstances justify it,
- that the school would conceal or destroy the relevant evidence,
- that they would be victimised by the school, or
- that the Secretary of State has ordered it.

The school strongly encourages whistleblowers or potential whistleblowers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity Protect (as above) operates a confidential advice line.

## 9. Malicious Accusations

False, malicious, vexatious or frivolous accusations will be dealt with under the *Disciplinary Procedure*.

## 10. Protection from Reprisal or Victimisation

It is understandable that whistleblowers are sometimes worried about possible repercussions. The school aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and follow the whistleblowing procedures.

If a member of staff believes that they have suffered any such treatment, they should inform the headmaster, senior deputy head, one of the deputy heads, HR director or the bursar immediately. If the matter is not remedied, staff may raise it formally using the school's *Grievance Procedure*.

The school has a zero-tolerance approach to victimisation of whistleblowers. No one must ever threaten or retaliate against a whistleblower in any way. Anyone involved in such conduct may be subject to disciplinary action.

## 11. Related Documents

- Disciplinary Procedure
- Equal Opportunity Policy and Procedure
- Grievance Procedure
- Neutral Notifications Guidance
- Public Interest Disclosure Act 1998
- Recruitment Policy
- Safeguarding and Child Protection Policy
- Staff Code of Conduct

## 12. Policy Review & Approval

Policy Owner	HR Director
Date of last review	September 2024
Approved by	Cabinet: 18 September 2024 Personnel Committee: tbc 2024
Responsible Committee	Personnel
Date of next review	Summer 2025

The policy may be amended at any time and the latest version will be available on Firefly and the school website.