
RUPERT HOUSE SCHOOL



WHISTLEBLOWING POLICY
AND PROCEDURE

Policy Owner - Director of Finance and Operations

Management Committee responsible: Senior Management Team

Governor oversight: Risk and Governance Committee

Approval: Risk and Governance Committee

Last review/approval date: May 2023

Next review/approval date: May 2024

Policy template: Association of Governors of Independent Schools (AGBIS)

WHISTLEBLOWING POLICY AND PROCEDURE

1. SCOPE

- 1.1 This Whistleblowing policy applies to all School staff (including peripatetic staff, trainees and work experience placements), parents, Governors and volunteers. It also covers contractors working for the School on the premises, for example, agency workers and consultants, as well as suppliers and any organisations providing services at the School on their own premises and any other member of the wider public. Together all these people are referred to in this policy as Whistleblowers.
- 1.2 Note that Whistleblowers who are not employees cannot claim unfair dismissal due to blowing the whistle but, because of the protection afforded, they can claim 'detrimental treatment'.
- 1.3 The School has a separate Complaints Policy for use by a parent of a pupil or a member of the wider public when they are unhappy and seek action by the School. Complaints are an expression of dissatisfaction with a real or perceived problem.
- 1.4 If you are a member of staff concerned about something to do with your own terms and conditions of employment, you should raise this under the School's Grievance Procedure.

2. INTRODUCTION

- 2.1 The Governors are committed to developing and maintaining the highest possible behavioral standards and a culture encouraging openness, probity and accountability of everyone involved with the School.
- 2.2 This Whistleblowing policy provides a framework to enable and encourage Whistleblowers to raise and report, or 'disclose', genuine concerns regarding any relevant aspect of the School's work. The policy aims to reassure Whistleblowers that they will be protected from possible reprisals or detriment if they have a reasonable belief that a disclosure is true.
- 2.3 The School encourages all Whistleblowers to raise any concerns that they may have about the conduct of others at the School in relation to any suspected instances of fraud, misconduct or wrongdoing. This policy therefore sets out the School's position in these matters and lays out a procedure for Whistleblowers to raise any concerns and how those concerns will be dealt with.
- 2.4 The aims of this policy are:
 - 2.4.1 to encourage Whistleblowers 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;
 - 2.4.2 to provide Whistleblowers with guidance as to how to raise those concerns; and
 - 2.4.3 to reassure Whistleblowers that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

3. BACKGROUND

- 3.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for Whistleblowers who raise legitimate concerns about specified matters. These matters are called "qualifying disclosures".

WHISTLEBLOWING POLICY AND PROCEDURE

3.2 A qualifying disclosure is one made in good faith by a Whistleblower who has a reasonable belief that one of the following is being, has been, or is likely to be committed:

3.2.1 a criminal offence and/or illegal activity and/or dishonesty (including fraud or money laundering) which could involve a significant loss of, or major risk to, the School's funds or assets;

3.2.2 failure of internal controls, including failure in governance, that resulted, or may result, in a significant loss or misappropriation of funds, or funds being, or having been, put at major risk;

3.2.3 a miscarriage of justice;

3.2.4 misuse for terrorist purposes (including links with or support for terrorism, financial or otherwise, connections to proscribed organisations, fostering extremism);

3.2.5 serious harm or risk of abuse or mistreatment to pupils, staff or other stakeholders;

3.2.6 significant or recurring breach or breaches of legislative or regulatory requirements, including health and safety;

3.2.6 an act causing damage to the environment;

3.2.7 other significant non-compliance breaches of trust or abuses that otherwise impact significantly on public trust and confidence in the School; and/or

3.2.8 concealment of any of the above.

3.3 Of particular importance is any matter which has or will have an adverse impact on the welfare and safety of pupils and staff; the Governors are committed to ensuring the highest standards of safeguarding at the School.

3.4 It is not necessary for the Whistleblower to have proof that such an act is being, has been, or is likely to be, committed. A reasonable belief is sufficient. The Whistleblower has no responsibility for investigating the matter – it is the School's responsibility to ensure that an investigation takes place.

3.5 A Whistleblower who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

3.6 The Governors encourage Whistleblowers to raise their concerns under this procedure in the first instance. If a Whistleblower is not sure whether or not to raise a concern, they should discuss the issue with the Director of Finance and Operations and/or the Designated Safeguarding Lead.

4. PRINCIPLES

4.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at the School, especially in respect of safeguarding. All Whistleblowers should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware.

WHISTLEBLOWING POLICY AND PROCEDURE

4.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the Whistleblower who raised the issue in a timely way.

4.3 No Whistleblower will be victimised for raising a matter in good faith under this procedure. This means that the continued employment and opportunities for future promotion or training of any Whistleblower will not be prejudiced because they raised a legitimate concern. Victimisation of a Whistleblower for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, the School's disciplinary procedure will be used, in addition to any appropriate external measures.

Where further investigation indicates that a criminal offence may have occurred, the Chair of the Governors' Risk and Compliance Committee will consult with the Head and Chair of Governors. This will normally result in a decision to involve the police.

4.6 Maliciously making a false allegation will be a disciplinary offence.

4.7 An instruction to cover up a wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, Whistleblowers should not agree to remain silent and should report the matter according to the following procedure.

5. ROLE AND RESPONSIBILITIES

5.1 The Governing Body and the Head have overall responsibility for ensuring that the School operates an effective Whistleblowing policy and procedure.

5.2 The Head and Senior Management Team are responsible for ensuring that there is a culture of honesty and integrity amongst the Whistleblowers and within their departments.

5.3 The Director of Finance and Operations is responsible for ensuring that:

5.3.1 Whistleblowers are aware of this policy;

5.3.2 any whistleblowing "qualifying disclosures" are treated appropriately and in line with the this policy; and

5.3.2 regularly reviewing this policy and reporting any necessary amendments to the Governors' Risk and Compliance Committee.

6. SELF-REPORTING

6.1 There may be occasions when a Whistleblower has a personal difficulty which they know to be impinging on their professional competence. Whistleblowers have a responsibility to discuss such a situation with the Director of Finance and Operations and/or the Designated Safeguarding Lead so professional and personal support can be offered to the Worker concerned. Confidentiality cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of pupils or other Whistleblowers.

7. PROCEDURE TO BE FOLLOWED WHEN A WHISTLEBLOWING DISCLOSURE IS MADE

WHISTLEBLOWING POLICY AND PROCEDURE

7.1 In the first instance Whistleblowers should immediately raise any concerns with the Director of Finance and Operations and/or the Designated Safeguarding Lead.

7.2 If this is not possible (e.g. the Whistleblower believes the Director of Finance and Operations or the Designated Safeguarding Lead or any member of the Senior Management Team to be involved in the wrongdoing or the individual does not wish to talk to this person), or for more serious worries, they should speak directly to the Chair of the Governors' Risk and Compliance Committee via whistleblowing@ruperthouse.oxon.sch.uk.

7.3 In some cases it may be appropriate for Whistleblowers to ask that their trade union to raise the concern on their behalf.

7.4 Ideally Whistleblowers should put concerns in writing, stating clearly:

7.4.1 that they are raising concerns under this whistleblowing policy and procedure;

7.4.2 the background and history of the concerns;

7.4.3 names, dates and places where possible;

7.4.4 the reasons why the Whistleblower is particularly concerned about the situation;

7.4.5 their name, position and organisation; and

7.4.6 attach:

- copies of documentary evidence in support of their concerns;
- any documentary evidence showing their attempts to get the School to address their concerns; and
- copies of any previous correspondence they have with any other public body about these matters.

7.5 Please note that concerns provided anonymously will be investigated, but it may be that the investigation is less effective and Whistleblowers will not be informed of progress or outcomes.

7.6 If a Whistleblower does not feel able to put concerns in writing, it is possible to meet or telephone the appropriate person noted above.

7.7 Although Whistleblowers will not be expected to prove the truth of any allegation, they will need to demonstrate to the person they contact that there are sufficient grounds for the concern.

7.8 The person who the Whistleblower contacts will inform the Chair of the Governors' Risk and Compliance Committee that a protected disclosure has been made, who will then consider whether the matter should:

7.8.1 be investigated internally by an appropriate manager;

7.8.2 be referred to the Local Authority Designated Officer for advice;

WHISTLEBLOWING POLICY AND PROCEDURE

7.8.3 be referred to the Police;

7.8.4 form the subject of an independent inquiry.

7.9 All matters will be dealt with as speedily and as confidentially as possible.

7.10 Concerns or allegations that raise issues covered by other School policies/procedures will normally be addressed under those procedures, for example disciplinary, health and safety, grievance and safeguarding procedures.

7.11 On the conclusion of any investigation, the Whistleblower who made the protected disclosure will be told the outcome of the investigation and what action has/will be taken. If no action is to be taken, the reason for this will be explained.

7.12 In circumstances where a Whistleblower feels their concerns have not been properly investigated, or ignored, or the appropriate action has not been followed, there are a number of bodies, set out in the main legislation (The Public Interest Disclosure Act 1998), to which a qualifying disclosure may be made. These include:

7.12.1 HM Revenue & Customs;

7.12.2 the Financial Services Authority;

7.12.3 the Office of Fair Trading;

7.12.4 the Health and Safety Executive;

7.12.5 the Environment Agency; and

7.12.6 the Charity Commissioners.

7.13 Whistleblowers are strongly encouraged to seek advice at the School before reporting a concern to anyone external. The independent charity Protect operates a confidential helpline. Details can be found on their website: <https://protect-advice.org.uk/>

7.14 A Whistleblower who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Effective from: []

Last reviewed: []