



WHISTLEBLOWING POLICY SPEAK UP, SPEAK OUT

Category: Referred to Sub-Committee for approval from School

School update	
Responsible for review of policy	Designated Senior Lead (DSL)/HR
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Governor Sub-Committee approval	November 2024
Sub Committee to review and approve	HR – by exception only
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Related policies	Grievance, Disciplinary, Safeguarding, Staff Code of Conduct, Data Protection
Uploaded to Website	
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WHISTLEBLOWING POLICY SPEAK UP, SPEAK OUT

1. Introduction

The School has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, a failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

The School is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with our Staff Behaviour Policy. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

‘Whistleblowing’ is viewed by the School as a positive act that can make a valuable contribution to the School’s efficiency and long-term success. It is not disloyal to colleagues or the School to speak up. All members of the RMS community are encouraged to ***speak up and speak out*** when they hear of or observe anything of concern.

2. Aims

The School’s policy on whistleblowing is intended to demonstrate that it:-

- will not tolerate malpractice;
- encourages staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate;
- 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; and
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

3. **Scope of this policy**

This procedure is separate from the School's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise concerns relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the School's Grievance Procedure or Anti-Harassment and Bullying Policy or Prevention of Sexual Harassment Policy should be used, as appropriate. If you are uncertain whether something is within the scope of this procedure you should first seek advice from the Head or the DFO.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School.

4. **What is whistleblowing?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing, malpractice or dangers at work. Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, criminal activities, or failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment (negligence).

A **whistleblower** is a person who raises a genuine concern relating to suspected malpractice within the School. If you have any genuine concerns related to suspected malpractice affecting any of the School's activities (a whistleblowing concern), you should report it under this procedure.

If staff and volunteers feel unable to raise an issue with the School or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

- Protect, an independent whistleblowing charity (helpline: 020 3117 2502, email: whistle@protect-advice.org.uk, website: <https://protect-advice.org.uk/>).
- The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk).

5. **Confidentiality**

We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.

If there is evidence of criminal activity, the Police will in all cases be informed.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. 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 Head or DFO and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out above.

Staff are reminded of their absolute duty to alert the DSL or Head of any safeguarding concerns regarding the conduct of a colleague. Staff are reminded of their duty to press for action by contacting external agencies should they feel that the School is failing to act in relation to a child protection concern. (See Safeguarding Policy Part 2)

6. What should be reported?

This policy is to enable members of the RMS community to express a legitimate concern regarding suspected malpractice or misconduct within the School. This includes any serious concerns that staff have about the conduct of staff, colleagues, governors or others acting on behalf of the School that:

- make you feel uncomfortable in terms of known standards.
- are not in keeping with the School's values and policies.
- fall below established standards of practice; or
- are improper behaviour.

Malpractice is not easily defined; however, it might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- unauthorised use of School funds or other assets
- allegations of fraud, financial irregularities, corruption, bribery, dishonesty
- harassment
- failing to comply with a legal obligation, such as safeguarding and child protection, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment
- other unethical conduct.

This list is not exhaustive. If you are uncertain whether something is within the scope of this Policy, you should seek advice from the Head/ DFO or HR.

7. Raising a whistleblowing concern

We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. It may be possible to agree a way of resolving your concern quickly and effectively. In some cases, this may not be possible and the matter may need to be referred to the Head or DFO.

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 are at liberty to raise a whistleblowing concern to the Head or the DFO directly. If you feel unable to approach the Head or the DFO directly, then the Chair of Governors should be the first point of contact.

A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this procedure. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The Senior Leadership Team is entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour.

Employees should also approach one of the Senior Leadership Team to draw attention to cases where there is evidence of irregular or improper behaviour elsewhere in the School, but where they have not been personally involved, or if they are required to act in a way which, for them, raises a fundamental issue of conscience.

You will be kept informed of the progress of the investigation and its likely timescale. Whenever possible and subject to third party rights, you will be informed of the resolution. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If you are not satisfied that your concern is being properly dealt with, you will have a right to raise it in confidence with the Governing Body. Alternatively, you can follow the external procedure below.

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 you should not find it necessary to alert anyone externally.

However, where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

It will very rarely, if ever, be appropriate for you to alert the media.

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;
- where they believe they would be victimised by the School; or
- where the Secretary of State has ordered it.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

9. Malicious Accusations

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

10. Protection from Reprisal or Victimisation

It is understandable that whistleblowers are sometimes worried about possible repercussions as a result of raising a whistleblowing disclosure. We aim 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 following the Whistleblowing procedures. If you believe that you have suffered any such treatment, you should inform the Head or DFO immediately. If the matter is not remedied, you may raise it formally using the School's Grievance Procedure.

Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings. A whistleblower who feels themselves to be subject to hostile action from colleagues should inform their manager, who should, if necessary, take steps to alter the staff member's duties to protect them from the hostile action.

11. Safeguarding

Staff have an absolute obligation to communicate to the DSL/DDSLs any concerns about the behaviour of a colleague which may represent a risk, however small, to the welfare of a child.

RMS displays a screensaver on staff computers to remind them of this obligation to ***speak up and speak out***. They are reminded that in doing so, they are not forming a judgement but are simply exercising professional vigilance.

Concerns regarding safeguarding which do not meet the threshold to be investigated and/or referred to outside agencies will be recorded on the Lower-Level Concerns log.

12. Corrective Action and Compliance

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigative team to enable the School to minimise the risk of the recurrence of any malpractice or impropriety, which has been uncovered. The investigative team will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the Governing Board.

13. General

If an employee has any queries regarding their rights or obligations under this policy, they should raise them in the first instance with their line manager. Any personal data processed under this policy will be processed in accordance with applicable data protection legislation and the school's Data Protection Policy.

14. Monitor and Review

This policy can be reviewed at any time, but the School will monitor and review this policy on an annual basis. This procedure does not form part of the contract of employment and can be altered at any time as deemed necessary by the School.

November 2024