

Moor House School & College

# Whistleblowing Policy

## November 2018



<b>This policy was agreed by governors in:</b>	December 2018
<b>Who needs to read this:</b>	All staff, governors, volunteers and regular visitors
<b>Review cycle:</b>	Annually
<b>Next review date:</b>	November 2019
<b>Current status:</b>	Draft / Being Reviewed / Sent to ECM / <b>Approved by ECM</b> / Sent to Governors / Approved by Governors
<b>The person responsible for this policy is:</b>	The Principal
<b>The committee responsible for this policy is:</b>	Every Child Matters Committee

### Executive summary

- 'Whistleblowing' is the disclosure of information by an employee to an appropriate individual about any concern they may have about any aspect of their work.
- This policy and procedure outlines to all staff, volunteers and regular visitors the process by which they can report any concerns about any aspect of their work – either internally( page 4) or externally( page 4).
- The policy also outlines how Moor House will respond to concerns raised- see information on page 5 and flowchart on page 6.

## WHISTLEBLOWING POLICY AND PROCEDURE

### 1. What is Whistleblowing?

- 1.1 'Whistleblowing' is the disclosure of information by an employee to an appropriate individual about any concern they may have about any aspect of their work. The information may relate to an employee's concern about a danger, fraud or other criminal or unethical conduct in, or arising out of, the workplace. The concern may be about the organisation's practices or those of fellow employees. Concerns about Safeguarding or Child Protection should in the first instance be reported under the Child Protection, including Safeguarding, Policy guidelines. If concerns remain then employees should follow the procedure as outlined on page 6 of this document. If the employee remains concerned then they should contact the NSPCC Whistleblowing helpline on 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- 1.2 All concerns raised will be taken seriously and investigated in an appropriate manner.
- 1.3 You do not have to actually prove that the concern you have raised is true. Whistleblowing is therefore distinct from a complaint, where it is the responsibility of the complainant to prove that their own interests have been harmed. However, it is important that an employee has an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur.

Normally, this Policy would not be used where other policies, such as the *Grievance Policy* would be more appropriate. However, if you are in any doubt about which policy applies, please proceed by raising a concern under either or both policies.

### 2. Aims and Objectives of Policy

- 2.1 Moor House is committed to the highest standards of quality, probity, openness and accountability. This Whistleblowing Policy and Procedure has been adopted to enable you to raise any concerns at an early stage and in the correct way.
- 2.2 Moor House encourages employees and others<sup>1</sup> with serious concerns about any aspect of their work to come forward and talk to someone who can advise on what action to take or if necessary to take action themselves. If requested, the concern will be dealt with in confidence, by which we mean that the person they raise the matter with will not disclose their identity without their consent.
- 2.3 A primary function of whistleblowing is to provide senior managers with critical information regarding malpractice or misconduct so as to enable them to take corrective action. It is the responsibility of each employee throughout the School

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<sup>1</sup> For the purposes of this Policy, we also encourage students, trainees, agency workers, volunteers, contractors and self-employed people to abide by this Policy. Where 'employees' is used in this Policy, this will apply equally to members of such groups.

and College to ensure that those in charge are accountable for their action or inaction in allowing a danger or risk to continue.

- 2.4 We appreciate that, from a personal perspective, it may not be easy to report a concern, particularly one that may turn out to be abuse or fraud.

### 3. Protection for Employees

- 3.1 The law<sup>2</sup> offers protection for employees who disclose information reasonably and responsibly in the public interest, and protects those who may become victimised as a result. This includes information relating to:

- ◆ A criminal offence that has been committed, is being committed or is likely to be committed
- ◆ failure to comply with legal obligations
- ◆ a miscarriage of justice
- ◆ a Health & Safety danger
- ◆ damage to the environment
- ◆ failure to safeguard students.
- ◆ information about any of the above has been concealed.

- 3.2 Moor House therefore guarantees that employees who raise such concerns will be supported. Moor House is committed to supporting genuine Whistleblowers with both moral and managerial support.

- 3.3 Victimising employees or deterring them from raising a concern about abuse or malpractice is a disciplinary offence and will be dealt with under the Moor House Disciplinary Procedures.

- 3.4 If you feel you may be being victimised as a result of raising a concern, you must contact the person handling the concern as soon as possible (see paragraph 5.4 below concerning the identity of the appropriate person to contact).

- 3.5 Equally, if an employee abuses this process by raising an unfounded allegation maliciously or by 'going public' when it is unreasonable for them to do so, disciplinary action may be taken.

### 4. Confidentiality

- 4.1 If confidentiality is requested, the person who investigates the concern has a responsibility to try to investigate the issue without revealing the identity of the Whistleblower. If your evidence is needed, we will discuss with you whether and how we can proceed, e.g. at a Disciplinary Hearing or in Court.

- 4.2 This Policy is not appropriate for concerns raised anonymously. However, we will consider any anonymous reports and our response on the individual facts of the case.

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<sup>2</sup> Public Interest Disclosure Act 1998

- 4.3 Confidentiality clauses existing in writing or ‘in spirit’ do not preclude an employee raising a concern.

## **5. Procedure/routes for Whistleblowing**

- 5.1 The procedure to follow depends on :
- (a) how serious your concern is,
  - (b) what the concern is about and
  - (c) to whom the whistleblower feels most comfortable in talking.
- 5.2 The concerned employee may choose which route they wish to follow. If the person to whom they go feels it more appropriate to use another mechanism, this can be discussed and an agreement reached. The person to whom they go cannot unilaterally decide to follow another procedure.
- 5.3 This Policy cannot and does not attempt to lay down a rigid procedure because much will depend on the type of concern and the feelings of the concerned employee. The following are the routes from which employees may choose.
- 5.4 If you are unhappy with the response you receive, you can take another route. We will try to handle the matter fairly and properly; by using this Policy, you will help us to achieve this.

### **Route 1 - Internal**

Where possible, a concerned employee should raise the issue with their line-manager in the first instance, who should be better placed to understand the circumstances of the local arrangements and may be able to resolve the issue quickly.

### **Route 2 - Internal**

For those cases where the employee does not feel able to raise the concern with their line-manager; any member of the senior management team and/or Principal may be approached. These members of staff should be told if the employee does not want them to disclose his/her identity. They will treat any information sensitively and are not confined to their own departmental areas in receiving information.

The relevant senior manager will take on a supportive as well as an investigative role. If, during any stage of the investigation, senior management do not feel that they have the authority to continue with the investigation, it will be passed onto the Board of Trustees.

### **Route 3 – External**

If you are unsure about this procedure or would like to get independent advice, ‘Public Concern at Work’ is an independent charity that offers free and confidential help, and also the possibility of free legal advice where concerns relate to “serious malpractice threatening the public or threatening the public interest”. They can be contacted on 020 7404 6609 or by email [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk). For further information on Public Concern at Work, please see: <http://www.pcaw.org.uk/> or the NSPCC Helpline 088 028 0285

## **6. How the School and/or College will handle the matter**

- 6.1 Whichever route you take, Moor House will assess, initially, what action should be taken. This may involve an internal inquiry (a brief informal fact finding exercise) or a more formal investigation. Moor House will tell you who is handling the matter, how you can contact that person and whether your further assistance may be required. The timescale for the investigation will also be discussed. Once you have brought the matter to the School's or College's attention, it has an obligation to undertake an investigation.
- 6.2 At your request, Moor House will write to you summarising your concern and setting out how it proposes to handle the matter. When you raise a concern you may be asked how you think the matter might best be resolved. If you do have a personal interest in the matter, you will be asked that you inform the School or College from the outset.
- 6.3 A report will be submitted to you about the outcome of the investigation and where possible, on any proposed action. You will be given as much feedback as appropriate.
- 6.4 If, following the investigation, it is clear that matters cannot be fully dealt with internally, external authorities, such as the Health and Safety Executive, may become involved.

## **7. Implementation**

To underline the importance of this issue, a member of the senior management team (or their representative) will discuss this Whistleblowing Policy with new staff during their induction course. All staff will receive a copy of this Policy.

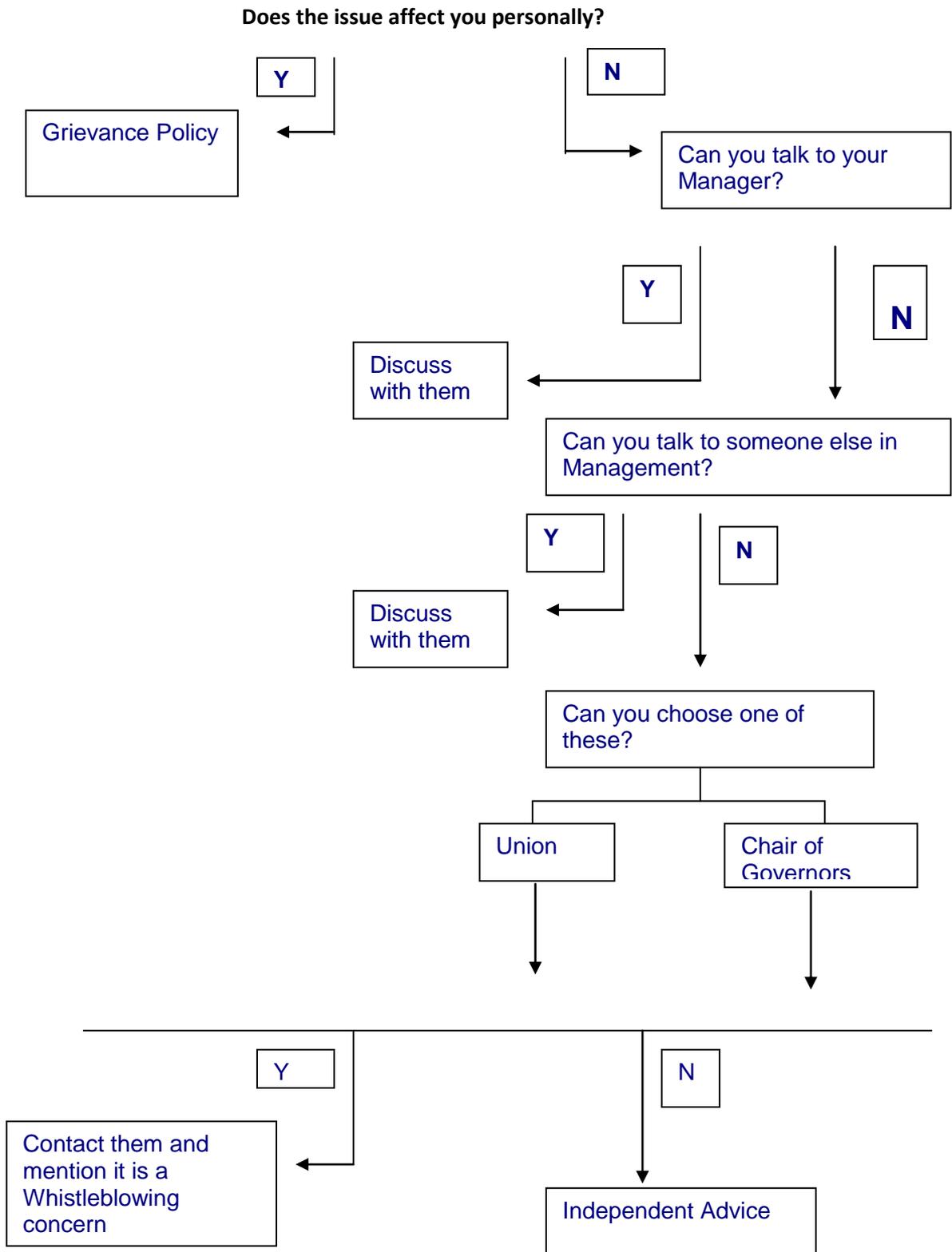
## **8. Evaluation and Review**

- 8.1 A formal record will be centrally held in the Principal's office of concerns raised, details of how the concerns were handled and the outcome of any investigation. These records will not identify the employee who disclosed the information.
- 8.2 The Board of Governors will review this Policy annually.

## **9. Conclusion**

Whistleblowing matters because it promotes good governance and accountability. Moor House is committed to act appropriately and without delay on information received from conscientious staff.

## FLOW CHART FOR WHISTLEBLOWING



\*Remember, you can always take someone to support you in this. Do not be afraid to raise concerns.