

Magdalen Court School

WHISTLEBLOWING POLICY



Date Last Reviewed: May 2023

Whistleblowing Policy

1.0 Introduction

Magdalen Court School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees who have serious concerns about any aspect of the school's work to come forward and voice those concerns.

This procedure makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious problems within the school rather than overlooking a problem or "blowing the whistle" outside. The concerns raised must be specific, and where possible evidenced, to avoid malicious or vexatious allegations. The process is intended to provide a fair and unprejudiced investigation for both the complainant and the person(s) who is/are the subject of the complaint.

The School Business Manager, has specific responsibility for this procedure and is the school's Whistleblowing Officer.

2.0 Aims and Scope of this Procedure

This procedure aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible victimisation if you have a reasonable belief that you have made any disclosure in good faith

The procedure is intended to supplement, rather than replace, the existing complaints, disciplinary and grievance procedures established at the school. It is intended to cover serious concerns that fall outside the scope of other procedures and may relate to something which:

- is against Financial Regulations and policies
- is against school policies and procedures, or
- falls below established standards of practice, or
- amounts to improper conduct, including something you believe may be:
 - against the law
 - a Health & Safety risk
 - damaging to the environment
 - misuse of public money
 - corruption or unethical conduct or abuse of pupils or service users

3.0 Confidentiality

All concerns will be treated in confidence and the school will make every effort to protect your identity if you so wish. At the appropriate time, however, you may need to provide a statement or act as a witness and will be expected to co-operate fully with the investigation and disclose all relevant information.

4.0 Anonymous Allegations

This procedure encourages you to put your name to your concern, as anonymous allegations may often be difficult to substantiate/prove. Concerns expressed anonymously are much less powerful but will be investigated unless the school's Whistleblowing Officer agrees there is insufficient evidence to proceed.

5.0 Untrue Allegations

If you raise a concern in good faith, but it is not subsequently confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

6.0 How to Raise a Concern

As a first step, if the allegation is within a particular school, you should normally raise concerns with the Headteacher and inform him/her you are using this procedure. The Headteacher would inform the School Business Manager. However, the school recognises that on some occasions this may not be appropriate. If the allegation concerns the Headteacher, you should raise your concerns with the Whistleblowing Officer in the first instance. Concerns must be raised in writing. Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have reasonable grounds to raise them. Where employees fail to report their concerns, they may become themselves implicated and consequently the school may treat failure by an employee to report such matters as a serious matter that could lead to disciplinary action. You may wish to obtain assistance in putting forward your concern from a Trade Union representative or a colleague. You may choose to be represented by a Trade Union representative or colleague at any meetings, which are required.

7.0 How the school will respond

In order to protect all individuals, (those raising the concern and those who are the subject of the concern), initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations falling within the scope of specific procedures, such as Safeguarding will normally be referred for consideration under those

procedures. The person with whom you have raised your concern will inform the headteacher of the facts. The headteacher will write to you, within five working days with the following:

- acknowledgement that the concern has been received
- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a full response
 - whether any initial enquiries have been made
- whether further investigations will take place, and if not, why not.

The Whistleblowing Officer will inform you, and the person who is the subject of the concern, in writing of the outcome of any investigation, or any action taken, subject to the constraints of confidentiality and the law (within five days of the investigation concluding). In any such investigation the Trustees/School Business Manager have a duty of care to protect the interests and wellbeing of all staff, this includes the subject of any allegation or concern. All efforts should be taken to ensure that investigations are carried out in a timely and balanced manner with full disclosure of the facts and structure of the investigation from the outset.

8.0 The Responsible Officer

The School's Whistleblowing Officer has overall responsibility for the maintenance and operation of this policy within the School. Under normal circumstances the Whistleblowing Officer would carry out an initial investigation and report to the headteacher. The Headteacher would then make a decision as to proceed based on the facts, and the case for natural justice (ACAS). If the Headteacher is the subject of the concerns raised, the Trustees will complete the investigation. In all cases the investigation has to present a balanced view of the facts and supporting documentation from both sides of the issue. The subject of the complaint should be given access to the specific concerns and statements at least five days in advance of speaking to the investigating staff, with opportunity to seek professional advice. The process should be dealt with within a four-week timeframe from the initial complaint to the time at which the Trustees decide whether to reject the concern or proceed with appropriate disciplinary procedures. The Whistleblowing Officer will maintain a record of concerns raised and the outcomes and will report as necessary to the Trustees. The recording and reporting procedure will be in a form, which ensures confidentiality, unless the concerns raised are judged to be malicious or vexatious.

9.0 How the matter can be taken further?

This procedure is intended to provide you with a route within the School to raise concerns but if you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following:

- the District Auditor
- your Trade Union
- your local Citizens Advice Bureau

- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the police
- the Local Government Ombudsman

You have a duty to your School not to disclose confidential information. This does not prevent you from raising concerns with an independent body referred to above, or Public Concern at Work (telephone number 020 7404 6609 or more information is available at <http://www.pcaw.co.uk/>, a registered charity which advises on serious malpractice within the workplace in accordance with the provisions of the Public Interest Disclosure Act 1998.

10.0 Appeal

The subject of the complaint equally has a right of appeal to the Trustees if they feel that they have been victimised or treated unfairly by this procedure. This can take the form of a formal grievance or reviewed by the Trustees appeal panel. They will determine whether to uphold the findings, or review procedures to ensure a fair and robust procedure is used.

