Warwick Schools Foundation

WHISTLEBLOWING POLICY **Warwick Schools Foundation** (Applicable to all Foundation schools and Professional Services)	
Regulatory	Yes
Version	1.5
Author and Reviewer	Director of People
Approving Body	Governors' Safeguarding Committee
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1.0 **Introduction**

1.1 Warwick Schools Foundation ("WSF") has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff in its schools to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, corruption, bribery, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct.

1.2 WSF is committed to ensuring that it, and the people working for it, comply with the highest standards of openness, honesty and accountability.

1.3 The term whistleblowing has two definitions:

- a specific legal definition, i.e. a disclosure or allegation of serious wrongdoing made by an employee, and
- a wider public definition, i.e. any disclosure or allegation of serious wrongdoing made by anyone.

1.4 This policy seeks to cover both disclosures and allegations of serious wrongdoing made by employees and members of the public, and to this end, where this policy makes reference to a whistle-blower, it refers to any individual (including school employees and/or members of the public) who is making a disclosure or allegation of serious wrongdoing.

1.5 The safeguarding of children is our care is a primary concern for the Foundation. Further details about raising allegations/concerns about the conduct of a member of staff/volunteers regarding safeguarding concerns with pupils can be found in the Safeguarding and Child Protection Policy:

- Section 14.0 Abuse of Position of Trust (Managing Allegations)
- Section 21.0 Staff reporting safeguarding concerns, including both low-level concerns and allegations, about a colleague, themselves or another adult who works with children (including whistleblowing)
- Appendix 6: Yellow Forms and Procedure for Managing Allegations against staff.

1.6 Serious wrongdoings may include, but are not limited to, issues such as:

- breach of a legal obligation;
- any criminal activity, including incitement to commit a criminal act;
- corruption, bribery or fraud;
- a miscarriage of justice;
- a danger to the health or safety of any individual or damage to the environment;
- abuse of power or authority;
- failure to comply with professional standards, school policies or codes of practice/conduct;

1.7 Serious wrongdoing may also include allegations of sexual harassment, sexual misconduct, or a culture of sexual harassment, where the concern is raised in the public interest and relates to a failure to comply with legal obligations, an abuse of power, or systemic or organisational failings. Such

concerns may be raised under this Whistleblowing Policy in addition to, or instead of, other internal procedures, where the individual reasonably believes this to be appropriate.

1.8 Serious wrongdoings may be committed by any of the following, or may result from their actions:

- employees;
- Foundation Governors and/or
- contractors, agency staff, suppliers or consultants of the Foundation or School in the course of their work.

1.9 WSF will investigate any allegations made by any individual, irrespective of whether that individual is an employee, supply teacher, a worker for a contractor or a member of the public and, where appropriate, take action.

2.0 Elements of the policy

2.1 In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, WSF's policy on whistleblowing is intended to demonstrate that the Foundation and the Schools:

- will not tolerate malpractice;
- 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 invoke the Foundation's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations;
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

3.0 Procedure

3.1 This procedure is not designed to be used:

- for raising or reconsideration of matters that come under existing internal WSF procedures e.g. Grievance, Disciplinary, Capability or WSF's general complaints procedure (However, concerns relating to sexual harassment or sexual misconduct may be raised under this Whistleblowing Policy where the individual reasonably believes that the matter involves serious wrongdoing, a failure to meet legal obligations, or that other procedures are not being, or are unlikely to be, followed effectively).; or
- for allegations that fall within the scope of specific procedures (for example safeguarding and allegations of abuse against staff. See Section 1.5) which will normally be referred for consideration under the relevant procedure, unless the employee has good reason to believe that the procedure is not being followed or will not be followed effectively; or
- as an appeal process from any complaint or grievance handled under any of the above procedures.

3.2 This procedure is in place to enable members of staff to express a legitimate

concern regarding suspected malpractice within the School(s) or WSF as a whole.

3.3 Malpractice is not easily defined but it includes: allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the Staff Code of Conduct, 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, serious or systemic sexual harassment or sexual misconduct, including failures to address such behaviour appropriately.

3.4 As a result of this procedure, should the disclosure prove to be well-founded, the individuals responsible for such serious wrongdoing will be held accountable for their actions.

4.0 Confidentiality

4.1 Individuals who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval.

4.2 It may be appropriate, in order to preserve confidentiality, for concerns to be raised verbally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible.

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

4.4 Despite the intentions stated above, there are situations where, due to the circumstances of the alleged serious wrongdoing, it is impossible to avoid disclosing information identifying any whistle-blower. In these circumstances, the School/Foundation will consult with the whistle-blower prior to the disclosure taking place and offer support.

5.0 How to report an actual or suspected serious wrongdoing?

5.1 A person who wishes to report any suspected serious wrongdoing with the Foundation should contact the Principal. Any concerns about serious wrongdoings within one of our Foundation Schools should be reported to the relevant Head. All concerns should make clear in the title of the email/letter that it refers to a “Whistleblowing” concern. Contact details are listed below:

School	*Report to:*	*Email/telephone number*
Foundation Principal	Richard Nicholson	r.nicholson@warwickschools.co.uk *Tel:* 01926 735492
Warwick School	James Barker, Head Master	*j.barker@warwickschool.org* *Tel:* 01926 776411
King’s High School	Stephen Burley Head Master	s.burley@kingshighwarwick.co.uk *Tel:* 01926 494485

The Kingsley School	Peter Bucknall, Head of School	p.bucknall@warwickschools.co.uk *Tel:* 01926 425127
Warwick Prep School	Hellen Dodsworth, Headmistress	h.dodsworth@warwickprep.com *Tel:* 01926 491545
Warwick Junior School	John Bond, Headmaster	j.bond@warwickschool.org *Tel:* 01926 776418

5.2 Employees are also entitled to make a Protected Disclosure through their manager, if they feel confident in approaching their manager to report a concern or allegation of serious wrongdoing that falls under this policy.

The manager must follow the obligation of confidentiality, but must, as soon as possible, and no later than 2 working days after receiving the Protected Disclosure, log the disclosure, and then confirm to the employee concerned, in writing or email, that this matter has been recorded.

5.3 In the event that an employee does not feel comfortable in making a disclosure to the School/Foundation, please refer to Section 7 for further information.

5.4 The following information should be given:

- Name (unless they wish to be anonymous)
- Contact details (unless they wish to be anonymous)
- Who has committed the alleged serious wrongdoing?
- What is the nature of the alleged serious wrongdoing?
- Is the person making a disclosure employed by the Foundation?
- If not, do you know who they work for? (If so, which who is their employer)?
- Is the person a member of the public?

6.0 The investigation

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

6.2 WSF will write to the person making the disclosure to confirm:

- who will be handling the disclosure,
- how that person can be contacted,
- what action is likely to be taken, and
- when the employee or worker might expect to hear the outcome of the disclosure.

6.3 A further written communication will normally be sent within another ten working days to summarise progress to date. If the matter has not been resolved during that time, the letter will include an estimate of how long it is likely to be before a full response can be provided.

6.4 The member of staff making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution.

6.5 However, there are situations where WSF is legally required to investigate, under separate procedures, without the consent of the whistle-blower, such as investigating allegations of ill-treatment or abuse of children (safeguarding). In these circumstances, WSF will, wherever possible, advise the whistle-blower that the disclosure will be investigated under another process, but there may be situations where it is not appropriate to disclose the existence of these investigations.

6.6 When the disclosure is considered to come under the Whistleblowing Policy, and WSF has assigned an investigator, he/she will normally contact the whistle-blower within a further 10 working days, to advise them of the following:

- the name of the investigator appointed to undertake the investigation;
- the arrangements for confidentiality;
- how the person making the disclosure will be expected to contribute to the investigation;
- the outcome of any discussions which may have taken place over anonymity;
- an estimate of how long the investigation is likely to take;
- the right of an employee to representation by a recognised trade union or work colleague at any meeting; or the right of any non-employee to seek support and representation at any meeting.

6.7 The use of this whistleblowing process does not automatically amount to acceptance by WSF that the information provided is necessarily a qualifying disclosure.

6.8 For monitoring purposes, the Foundation keeps a list of communications received from people using this whistleblowing process. This information is used for monitoring purposes and to detect if there are areas where there is a high incidence of alleged serious wrongdoing.

6.9 A member of staff who is not satisfied that their concern is being properly dealt with will has a right to raise it in confidence to the Principle or the Foundation Governors.

7.0 External procedures

7.1 All staff, supply staff and volunteers should feel able to raise concerns about poor or unsafe practice in relation to safeguarding, in the knowledge that these concerns will be taken seriously by the School/Foundation's senior management. However, if the member of staff feels unable to raise an issue or that their genuine concerns are not being addressed then other whistleblowing channels may be open to them.

- General guidance can be found at- https://www.gov.uk/whistleblowing
- The NSPCC's whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their School. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and

Email: help@nspcc.org.uk

- Alternatively, staff can write to: NSPCC, Weston House, 42 Curtain Road, London, EC2A 3NH.

7.2 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 (where the disclosure relates to a child protection issue).

7.3 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 WSF would conceal or destroy the relevant evidence;
- that they would be victimised by WSF;
- and/or where the Secretary of State has ordered it.

8.0 Malicious accusations

8.1 False, malicious, vexatious or frivolous accusations will be dealt with under the Foundation's Discipline & Dismissal Procedure or for staff based at Kingsley School, in accordance with their Disciplinary Policy.

9.0 Protection from reprisal or victimisation

9.1 This policy demonstrates the commitment of the Foundation to encourage employees and members of the public and/or their representatives to feel confident in raising genuine and legitimate concerns or allegations about suspected serious wrongdoing in WSF without fear of reprisals or victimisation, providing that they do so in good faith and following the Whistle-blower Procedures.

9.2 WSF has adopted this procedure in order to encourage early internal whistleblowing and demonstrate its commitment to preventing victimisation. If an employee claims that, despite that commitment, he or she has been victimised because of blowing the whistle, he or she should make a further complaint under this whistleblowing procedure directly to the Chair of Foundation Governors, Mrs Jane Mackenzie-Lawrie (J.Mackenzie-Lawrie@warwickschools.co.uk).

9.3 Any employee who victimises a whistle-blower could:

- be subject to an internal council investigation and potential disciplinary action, including potential dismissal;
- face a civil claim personally, as the affected whistle-blower could be entitled to directly issue a legal claim against the culprit.

10.0 Recording and monitoring disclosures

10.1 Each School will hold a record of all disclosures of serious wrongdoing made by members of the public, with a central file held by the Foundation.

10.2 For the purposes of investigating whether or not there are any systemic issues that

need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious wrongdoing, made by employees or members of the public, will be sent on a termly basis to the Chair of Foundation Governors.

10.3 WSF will record details of all complaints made under this policy, anonymising the identity of the whistle-blower, and use this information for the purposes of identifying areas of concern which may indicate further action is required, and where appropriate, share this information with other appropriate regulatory bodies. Both lists are maintained in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).