

THE KING'S SCHOOL



Whistleblowing Policy

INTRODUCTION

The King's School is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees. Any employee who has a serious concern about any aspect of the School's work or the actions of any of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

The Whistleblowing policy is primarily for concerns where the interests of others, or of the organisation itself, are at risk. If in doubt, raise it!

SCOPE

This policy applies to all employees of The King's School.

PURPOSE

The purpose of the policy is to:

- Encourage employees to feel confident in raising concerns and to question and act upon their concerns
- Provide avenues for employees to raise these concerns and receive feedback on any action taken
- Allow employees to take the matter further if they are dissatisfied with the School's response
- Reassure employees that if they raise any concerns in good faith, and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

DEFINITION

A 'whistleblower' is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten students, employees or the success and reputation of the school.

Whistleblowing is different from a complaint or a grievance. A grievance is when an employee has a dispute about their employment. A complaint is usually about someone being poorly treated and seeking redress or justice.

WHAT SHOULD YOU REPORT?

This policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about any of the following:

- A criminal conviction that has been, is being, or is likely to be committed
- Fraud and corruption
- Unauthorised use of public funds
- A failure to comply with a legal obligation
- A health and safety risk relating to any individual
- A miscarriage of justice
- A damage to the school environment
- Actions that are contrary to any of the School's policies
- Actions or behaviour that falls below established standards of practice
- Abuse and welfare of students or staff
- Harassment or victimisation of students or staff
- Any actions or concerns regarding practice that could result in a financial loss to the School
- The deliberate concealment of information relating to any of the above matters
- Other unethical conduct

This list is not exhaustive.

THE LEGAL BACKGROUND

The Public Interest Disclosure Act, 1998 amended by the Enterprise and Regulatory Reform Act, 2013 protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories, namely: crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues. To obtain protection, employees must first disclose the information to the employer.

If you are unsure whether to use this policy or you want independent advice at any stage, you are advised to contact the independent charity Public Concern at Work on 02074046609.

ANONYMOUS OR UNTRUE ALLEGATIONS

The School does not encourage anonymous reporting as the concerns are more difficult to investigate. Anonymous referrals will be considered at the discretion of the Head Master/Chair of Governors. This discretion will be based on the:

- Seriousness of the issue raised.
- Credibility of the concern.
- Likelihood of confirming the allegation from an attributable source.
- Evidence base.

It may be that school investigations do not confirm your allegation. All concerns will be taken seriously. No action will be taken against you if you have raised a concern in the genuine belief that it is, or may be, true.

If the School find that you have maliciously made a false allegation we will take action and you will not be eligible for protection under the Public Interest Disclosure Act.

HOW TO RAISE A CONCERN

As soon as you become reasonably concerned you should first raise the issue with the Head Master, unless he is the potential transgressor, in which case write to the Chair of Governors.

Concerns may be raised orally or in writing. Employees who wish to make a written report should use the following format:

- The background and history of the concern (giving the relevant dates).
- The reason why they are particularly concerned about the situation.
- Name the individuals against whom the allegations are made.

If the concern is raised verbally, then the person receiving the information should put in writing an outline of the matters raised and this should be confirmed in writing to the employee. This should be done within ten working days.

HOW WILL THE HEAD MASTER/CHAIR OF GOVERNORS RESPOND?

Once a concern is raised the Head Master/Chair of Governors will appoint an appropriate manager to investigate [the "investigating officer"]. The Head Master/Chair of Governors will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure [you will be informed of this].

When you raise the concern you may be asked how you think the concern(s) might best be resolved.

If the matter is dealt with under the Whistleblowing policy then you will then be informed of the name of the investigating officer. If the matter relates to the Head Master, the Chair of Governors will appoint the investigating officer. Due to the nature of the disclosure the Head Master may appoint an independent

external investigator to look into the matter. If the matter relates to the Head Master then decisions for proceeding will be made by the Chair of Governors.

You will be informed in writing of the process to be followed. Please note, however, that we may not be able to tell you the precise action to be taken where this would infringe a duty of confidence owned by the school to someone else.

The Head Master/Chair of Governors will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However this may be delayed if it is likely to jeopardise the investigation.

HANDLING A DISCLOSURE

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy.

Where appropriate, the matters raised may:

- Be investigated by the investigating officer or internal auditors
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

This will be determined by the investigating manager in conjunction with the Head Master/Chair of Governors. Within two weeks of a concern being raised, the investigating officer will write to both parties:

- Indicating how the School proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
- Indicating whether further investigations will take place and if not, why not

Appendix 1 provides details of the role of the investigating officer.

Any internal investigation should take no longer than three months to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

- Whether disciplinary action be taken against any employee
- Whether changes should be recommended to any School procedure
- Whether any other action should be recommended
- These will be detailed in a final report

The investigating officer will send a copy of the final report, including recommendations, to the Head Master/Chair of Governors who will consider the recommendations and determine what action, if any, to take. The investigating officer will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

If the individual who made the disclosure does not feel that the matter has been dealt with appropriately they may either use the grievance procedure to complain about how the matter has been dealt with or report the matter to an external agency such as:

- The local member of parliament

- National Audit Office
- Health and Safety Executive
- relevant professional bodies or regulatory organisations;
- The Police;
- The charity Public Concern at Work (telephone 020 7404 6609).

Any employee who is subject to any action following the outcome of an investigation will have the opportunity to present their case and appeal under any formal procedure which is being conducted against them.

Timescales Action	Timescale	By Who
Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated Letters sent to employee and person complained of	Within four weeks of receipt of disclosure	Person appointed to investigate – the investigating officer
Written confirmation of outcome of investigation and action to be taken. Report sent to Head Master recommendations and determines what action to take. Letters sent to employee and person complained of	Within three months of receipt of disclosure	Person appointed to investigate – the investigating officer

While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress.

WHAT SAFEGUARDS ARE THERE FOR THE PERSON RAISING THE CONCERN?

- The Governing Body will not tolerate any harassment or victimisation and will take appropriate action to protect employees who raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.
- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.

RECORDING AND MONITORING

The HR Officer will maintain a register containing all concerns that are brought to the organisation's attention. These will be reported on an annual basis to the Chair of Governors. All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Individuals will have the right to request and have access to certain personal data.

Employees will be given copies of meeting records as appropriate, although some information may be withheld to protect a third party and to ensure that the matter is handled in line with the Data Protection Act 1998.

THE ROLE OF THE INVESTIGATING OFFICER

The investigating officer will have the following responsibilities:

1. Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague.
2. Establish the facts/obtain statements/collect documentary evidence.
3. Maintain detailed records of the investigation process.
4. Make any recommendations for action to be submitted to the Head Master/Chair of Governors.

The investigating officer will have the following responsibilities towards the employee who raised the disclosure:

1. Hold a formal meeting with the employee making the complaint to discuss the matter.
2. Inform them of their right to be accompanied at any interview by their trade union representative or work colleague.
3. Keep the employee up to date with progress on the matter and agree timescales for action.
4. Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview.

The investigating officer will have the following responsibilities towards the employee against whom the disclosure is raised:

1. Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence.
2. Advise in writing of the procedure to be followed.
3. Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence.
4. Inform them of their right to be accompanied at any interview by a trade union representative or work colleague.
5. The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing.
6. Where necessary the School will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible.

The Governors appointed to hear an appeal will have the following responsibilities:

1. Hold appeal meeting with the employee who made the disclosure.
2. Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague.
3. Review the investigation report/procedure followed and findings.
4. Decide whether to uphold appeal.
5. If necessary, initiate a new investigation.
6. If applicable, report the appeal findings in writing to the Head Master/Chair of Governors.
7. Communicate the outcome of the appeal process in writing to the employee making the disclosure and the employee against whom the disclosure is made.

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