

‘Whistleblowing’ Policy

INTRODUCTION AND SUMMARY

Rossett School wishes to create and sustain an atmosphere of openness, fairness, equal opportunities and to conduct affairs in a transparent way so that employees can raise legitimate concerns without fear of reprisal. ‘Whistleblowing’ is the term commonly used to describe the procedure by which an employee publicly discloses suspected wrongdoing.

The school’s Whistleblowing Procedure aims to ensure that employees feel able to raise issues internally in the first instance. Wherever possible, the School would wish to be able to resolve such issues internally with the minimum of damage or embarrassment to the School’s good name.

The purpose of the procedure is:

- to provide a channel and process for individuals to raise genuine and legitimate concerns about fraud or malpractice;
- to enable those concerns to be dealt with seriously and urgently;
- to demonstrate the School’s commitment to combating fraud, corruption and malpractice, whether the perpetrators are internal or external to the School.
- The Public Interest Disclosure Act exists to protect employees who use the Whistleblowing Procedure. An employee cannot therefore be disciplined for making a disclosure if
 - the procedure has been followed; and
 - the employee has acted in good faith and not for personal gain or out of personal motives.
- If an employee uses the Whistleblowing Procedure to pursue a malicious or vexatious claim against another employee then the disciplinary procedure may be invoked. The Whistleblowing Procedure is not to be used for raising grievances about individuals’ employment concerns. The School’s Grievance Policy should be followed in such cases.
- The Whistleblowing Procedure will be circulated annually by email to all staff and will be available in the online Staff Shared Area.

MALPRACTICE

- The Whistleblowing Procedure should only be used where malpractice is suspected. The types of matters regarded as ‘malpractice’ are as follows:
 - Fraud or financial irregularity
 - Corruption, bribery or blackmail
 - Criminal offences
 - Failure to comply with a legal or statutory obligation
 - Miscarriage of justice
 - Endangering the health or safety of any individual, or the environment
 - Improper use of authority
 - Serious financial maladministration arising from deliberate misconduct
 - Concealment of any of the above
 - Where the school is believed to be acting outside the power accorded to it by the Instrument of Governance and Articles of Association of the School

HOW SHOULD A CONCERN BE RAISED?

- Rossett School encourages any employee, agency contract worker, or student (the “Discloser”) to raise matters internally in the first instance to allow those school staff and

Trustees in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

- Rossett School has designated the following individuals to specifically deal with such matters.

Mrs Anne Alderman
Rossett School
Green Lane
Harrogate
HG2 9JP

Email: aalderman@rossettschool.co.uk
Tel: 01423 564444 ext 323

John Hesketh
Trustee

Email: jhesketh@rossettschool.co.uk

- Any disclosure under this procedure should, wherever possible, be in writing. However, oral disclosures may be made at the choice of the Discloser. The Discloser should provide as much supporting evidence as possible about the disclosure and the grounds for the belief of malpractice.

On receipt of the disclosure the designated individual will give details of the Whistleblowing Procedure to the Discloser.

FURTHER ACTION

- The designated individual will report to the Headteacher and Chair of Trustees. The Headteacher or Chair of Trustees will recommend what further steps should be taken.
- The Headteacher or Chair of Trustees will make any recommendations for action to the Board of Trustees. The recommendations will be made without revealing the identity of the Discloser, subject to the Safeguards section below. The Headteacher, or Chair of Trustees as appropriate, will take all steps within their power to ensure the recommendations are implemented.
- Once the Headteacher or the Chair of Trustees, have decided what further steps (if any) should be taken, then the designated individual will inform the Discloser of the decision.

EXTERNAL DISCLOSURE

- If, having followed this procedure, the Discloser is not satisfied with the final outcome notified by the Chair of Trustees, the Discloser may raise the matter concerned on a confidential basis directly with the police, the Education & Skills Funding Agency (ESFA) a Member of Parliament or their appropriate public authority. Before taking any such action, the Discloser will inform the Chair of Trustees.
- The Discloser may also raise the matter with the appropriate outside agencies if they have reasonable grounds for believing that the Headteacher and the Chair of Trustees are involved in the alleged malpractice or that the Discloser will be subjected to a detriment as a result of making the disclosure.
- The Discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.
- The Discloser may wish to contact 'Public Concern At Work', an independent, non-statutory, charitable body that can provide advice to individuals with concerns about possible malpractice.
- Relevant contact details that may be useful are:-
Police – 101 or 0845 6060247
Education & Skills Funding Agency (ESFA) – 0370 000 2288
Public Concern At Work – 020 7404 6609 or visit their website at www.pcaw.org.uk

SAFEGUARDS

- Any report or recommendations by the designated individuals in relation to the matter will not identify the Discloser, unless the Discloser otherwise consents in writing or unless there are grounds to believe that the Discloser has acted maliciously. In the absence of such consent or grounds, the designated individual will not reveal the identity of the individual as the Discloser of information under this procedure except:
 - where under a legal obligation to do; or
 - where the information is already in the public domain; or

- on a strictly confidential basis to the note taker for the time being; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice
- Any documentation (including computer files and discs) kept by the designated individual relating to the matter will be kept secure, and as far as practicable, will not reveal the identity of the individual as the Discloser of information under this procedure.
- Trade union representatives or work colleagues involved in the Whistleblowing Procedure will be under an obligation to ensure that the matter is kept strictly confidential, unless required by law to disclose such information or if the information is freely available in the public domain.
- The Discloser will not be required by the School without his or her consent to participate in any enquiry or investigation into the matter established by the School unless there are grounds to believe that the Discloser may have been involved in misconduct or malpractice.
- Where the Discloser participates in any such enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. However, the Headteacher should retain the anonymity of the Discloser, unless permission has been given to reveal their identity or in cases where the disclosure has been made maliciously, or not in line with the procedure detailed above.
- No disciplinary action will be taken against a Discloser for following the Whistleblowing Procedure. This will not prevent the School from bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where an external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to a public authority.

Linked Policies:

- Whistleblowing Procedure
- Disciplinary Policy
- Communications (including References)