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# **Queen Elizabeth's School**

## **WHISTLEBLOWING POLICY**

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### **1. Introduction**

The staff and Governors of Queen Elizabeth's School seek to run all aspects of school business and activity with full regard for the highest standards of conduct and integrity. The School is committed to openness, honesty and accountability and takes very seriously any issues of malpractice or wrongdoing. In the rare event that members of staff or other members of the School community become aware of activities which give cause for concern, Queen Elizabeth's has established the following whistleblowing policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

This policy reflects and endorses the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 (the "Act") and Sections 17-20 inclusive of the Enterprise and Regulatory Reform Act 2013. This legislation provides statutory protection for employees and other workers who make 'qualifying disclosures' of certain types of information.

Throughout this policy, the term 'whistleblower' denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense.

Queen Elizabeth's is committed to tackling fraud and malpractice. We recognise that some concerns may be extremely sensitive and have accordingly developed a system which allows for the confidential raising of concerns internally, but also has recourse to an external party outside the management structure of the School.

Queen Elizabeth's seeks to create a climate of trust and openness so that a person with a genuine concern can raise the matter with full confidence that it will be appropriately considered and addressed without personal detriment.

This policy applies to matters of suspected fraud and impropriety and not matters of more general or personal grievance, including bullying, harassment or discrimination, which would be dealt with under the School's Complaints Procedure (GOVINF27) and the Staff Grievance Procedure (GOVINF11). This policy does not form part of any employee's contract of employment and it may be amended by Queen Elizabeth's at any time.

### **2. What is whistleblowing?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

### **3. To what types of activity does the Act apply?**

If you have concerns about or suspect one or more of the following types of activity, you are encouraged to report them under this whistleblowing policy:

- i) a criminal offence has been committed, is being committed or is likely to be committed;

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- ii) a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he/she is subject;
- iii) a miscarriage of justice has occurred, is occurring, or is likely to occur;
- iv) the health and safety of an individual has been, is being, or is likely to be endangered;
- v) the environment has been, is being, or is likely to be damaged, or
- vi) any of the above matters have been, are being, or are likely to be deliberately concealed.

#### **4. What counts as a 'qualifying disclosure' under the Act?**

A qualifying disclosure:

- Must, in the reasonable belief of the person making the disclosure, be in the public interest and tend to show one or more of the activities listed in Part 3. It does not matter if it turns out to be an unfounded suspicion;
- Must not be made maliciously or for any personal gain; and
- Must be made to:
  1. the School, or
  2. any other person/body responsible for the relevant failure.
  3. A protected disclosure can also be made to one of a list of 'prescribed persons' set out in the legislation, including HMRC and the Health and Safety Executive, if the nature of the concern falls within this body's remit.

Furthermore, it must be reasonable for the individual to make the disclosure. If a person commits a criminal offence by making a disclosure, it is not a qualifying disclosure.

#### **5. What action should the whistleblower take?**

We would urge all staff members to make a disclosure as soon as possible if they have any concerns about any of the types of activity listed at section 3 above.

##### **a. To whom should the disclosure be made?**

We hope that in many cases you will be able to raise any concerns with your immediate line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

However, where the matter is more serious, or you feel that your immediate line manager has not addressed your concern, or you prefer not to raise it with him/her for any reason, you should contact one of the following: your designated Senior Manager, the Second Master or the Headmaster.

In the event that your concern relates to the Headmaster or a senior member of staff, disclosures can be made to the Chairman of Governors who can be reached via the Clerk to the Governing Body.

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In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

### **b. How should I make a disclosure:**

You may choose to make a disclosure in person, by telephone or in written form marked 'private and confidential' and addressed to one of the people set out in section 5(a) above. All matters will be treated in strict confidence and anonymity respected wherever possible, although this cannot be guaranteed in every situation.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible or to rule the possibility of the disclosure being maliciously motivated.

### **c. What action will the School take?**

Once a report is received under this whistleblowing policy, the School will arrange a meeting with you as soon as possible. We will take down a written summary of your concern and, where appropriate, we will also aim to give you an indication of how we propose to investigate the allegations.

You may be required to attend further meetings throughout the course of the investigation.

Where appropriate, the matters raised may:

- be investigated by the School's leadership team or through the disciplinary process
- be referred to the police
- be referred to an external auditor or other external investigating body e.g. HMRC or the Health and Safety Executive
- form the subject of an independent inquiry
- be investigated under another procedure e.g. child/adult protection in accordance with the School's Safeguarding Policy (GOVINF48)
- be investigated under other forms of prosecution and inspection e.g. to protect public health and safety.

We will aim to keep you informed of the progress of the investigation and its likely timescales. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

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If we conclude that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action. This type of conduct is viewed very seriously.

#### **d. What if I am not satisfied?**

While we cannot always guarantee the outcome you are seeking, the School will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in section 5(a) or the Advisory, Conciliation and Arbitration Service (ACAS).

### **6. Protection and support for whistleblowers**

If you make a qualifying disclosure then, in accordance with the Act, you will not suffer any form of detriment as a result of making the disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

Queen Elizabeth's will not tolerate any reprisals against anyone who has reported a concern under this whistleblowing policy and disciplinary action will be taken where appropriate to enforce this.

If you do feel that you have been treated unfairly as a result of a qualifying disclosure and the School has not resolved this, you can take your case to an employment tribunal.

### **7. Whistleblowers who are not members of staff**

Certain other individuals are also covered by the Act, e.g. agency workers, self-employed contractors and volunteers who work at the School. In addition, those on certain work experience or training programmes may be protected. If a pupil is in a position where he feels a serious matter needs to be disclosed, he should in the first instance discuss it with the Headmaster, Second Master, or one of the Assistant Heads.

### **8. Whistleblowing in context**

Whilst we undertake to ensure that all concerns reasonably raised by any member of the School community are fairly and thoroughly investigated, we are also mindful that malicious or mischievous 'whistleblowing' is a growing problem in public organisations. We respectfully remind employees that the whistleblowing policy should be interpreted alongside their terms and conditions of employment. An employee is bound to co-operate with his/her employer, to obey reasonable and lawful instructions, to act in good faith and to maintain a relationship of loyalty, trust and fidelity with his/her employment. These implied terms of contract raise the possibility of disciplinary action against an employee who wilfully incites malice or brings the organisation into disrepute. Any such matter will be viewed very seriously by the School.

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**9. Further information and advice**

Further information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. The charity can be contacted via the website on <http://www.pcaw.co.uk/> or by phone on 020 7404 6609 (Whistleblowing Advice Line).

Approved by the Governing Body on 23<sup>rd</sup> February 2017

Signed .....

B.R. Martin, Chairman of the Governing Body