



# WHISTLEBLOWING POLICY

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Policy Author:	Mrs Penny Anstey, HR Manager
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# RGSW WHISTLEBLOWING POLICY

## 1. Introduction

1.1 RGSW\* is committed to the highest possible standards of openness, and accountability. In line with that commitment, we encourage employees who have serious concerns about any aspect of the school's work to come forward and voice those concerns. All RGS Schools acknowledge that raising a concern about a colleague is challenging for staff but ask that staff remember that their colleague could be struggling to cope and alerting senior staff will enable us to put any necessary support and guidance in place.

1.2 You as an employee may, in properly carrying out your duties, have access to, or come into contact with, information of a confidential nature. Your terms and conditions provide that, except in the proper performance of your duties, you are forbidden from disclosing, or making use of, in any form whatsoever, such confidential information.

1.3 Each RGS School does however adopt this policy on making a disclosure in the public interest ie/ whistle blowing, to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides if necessary, for such concerns to be raised outside the organisation.

1.4 People working within organisations are often the first to realise that there may be something seriously wrong in the place in which they work. They may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues or to their school. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.5 Victimisation or harassment of anyone using this policy or if anyone tries to discourage others from coming forward, will be deemed to be a disciplinary matter.

1.6 This policy complements the complaints procedures already in place and reflects the legal protection afforded by the Public Interest Disclosure Act 1998.

## 2. Aim of the Policy

2.1 The RGSW policy on whistle blowing is intended to demonstrate that each RGS School:

- 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 School'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. Specific subject matter

3.1 If, in the course of your employment, you become aware of information which you reasonably believe tends to show one or more of the specific subject matters listed in 3.2, you must use the school's disclosure procedure set out below.

3.2 Your concerns may relate to the improper, unethical or illegal conduct of employees or Governors. The following specific subject matters must be acted upon:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- that a miscarriage of justice has occurred, is occurring, or is likely to occur;
- that the health or safety of any individual has been, or is being, or is likely to be endangered;
- that the environment has been, is being, or is likely to be, damaged;
- that school funds have been, are being, or are likely to be, used in an unauthorised manner;
- that information tending to show any of the above is being, or is likely to be, deliberately concealed;

### 4. How to Raise a Concern

4.1 If you have a concern about malpractice, the school hopes that you will be able to raise the matter with your immediate manager or his/her line manager.

4.2 Concerns may be raised verbally and/or in writing. If you wish to make a written report the school recommends that you include in your letter, the background and history (giving relevant dates) and give the reason why you are particularly concerned about the matter. You may also wish to seek advice from your trade union representative at this stage if you have one.

4.3 However, if you feel unable to raise the matter with your line manager due to the seriousness and sensitivity of the issues involved, or if you believe that your senior manager may be involved you should approach the relevant Head.

4.4 If you have a concern about any financial loss or irregularity you should raise this directly with the Director of Finance and Operations.

4.5 If you are personally involved in the matter you raise, please make this clear at the outset.

4.6 If you have followed these channels and you still have concerns or you feel you are unable to discuss the matter with any of the persons listed above, please contact the Head of RGS Worcester, as Chair of the Strategy Group.

4.7 This procedure is separate from RGSW procedures regarding grievances, please see the RGSW Grievance Policy and Guidance for advice on how to raise a grievance within procedures. Employees should not use the whistle blowing procedure to raise grievances about their personal employment situation, rather, this procedure is to enable staff to express a legitimate concern regarding suspected malpractice within any of the RGS Schools.

4.8 Whilst malpractice is not easily defined, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, 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.

4.9 Safeguarding matters should always be raised with a Designated Safeguarding Lead in the first instance and if it relates to the DSL themselves, the matter should be raised with the appropriate Head at the school concerned if the DSL is not the Head (RGS Springfield) and, in all instances, with the Headmaster at RGSW Senior School. Where there are concerns that relate to any RGS Head or DFO (Director of Finance and Operations) these should be directed to the Chair or Vice Chair of Governors.

## 5. How the School Will Handle the Concern

5.1 The school will respond promptly to your concerns by assessing what action ought to be taken and by whom. This may involve an internal investigation or a more formal inquiry.

5.2 If urgent action is required this may be taken before any investigation is conducted.

## 6. Raising a Concern Externally

6.1 While the school hopes that this policy gives you the confidence to raise your concern with the school, we would prefer that you raised your concern with the proper external regulator rather than not at all.

6.2 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 employee reasonably believes:

- That exceptionally serious circumstances justify it;
- That a School would conceal or destroy the relevant evidence;
- Where they believe they would be victimised by the School;
- Where the Secretary of State has ordered it.

6.3 If you act in good faith and genuinely and reasonably believe that the malpractice falls within the remit of a regulator and that the information disclosed is substantially true, then you should contact a prescribed person or body.

(Online guidance can be found here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>)

This may include contacting (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).

6.4 You may also contact the following prescribed regulators:

- the Health and Safety Executive for health and safety dangers
- the Environment Agency for environmental dangers
- the Audit Commission for England and Wales for concerns associated with conduct of business, value for money, fraud and corruption
- the Information Commission for compliance with the requirements of legislation relating to data protection and freedom of information
- the Pensions Regulator for occupational pension schemes

- the Commission for Her Majesty's Revenue and Customs
- the Director of the Serious Fraud Office for serious or complex fraud

6.5 Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with internally because either your complaints have been ignored, you believe that information will be concealed or destroyed or you will be subjected to Victimisation and have evidence to back up your belief, you may consider it appropriate to contact a non-regulatory external body for example the police. You are strongly advised to seek independent advice before you raise any issue outside the school.

## **7. Confidentiality**

7.1 The school undertakes to protect your identity and will not disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (e.g. the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

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

## **8. Untrue Allegations**

8.1 If you make an allegation in good faith, but the evidence produced during the investigation does not substantiate it, no action will be taken against you. If, however, you are an employee and you make an allegation maliciously or for personal gain, this may result in disciplinary action being taken against you.

## **9. Who is responsible for the Policy?**

9.1 Each Head is responsible for the maintenance and operation of this policy in their respective school. Their role is to ensure that the matter is investigated properly and to maintain a record of concerns raised together with outcomes and they will report as necessary to the Governing Body without jeopardising confidentiality.

9.2 The HR Manager will review this policy annually.

Sponsor – HR Manager

Approved by the Board of Governors: June 2011

Reviewed and Endorsed by the Board of Governors: September 2012, September 2013, September 2014, August 2015, August 2016, August 2017, August 2018 and August 2019, August 2020 and September 2021