

Egerton Rothesay School

Whistleblowing Policy

1. Introduction

The Directors and staff of Egerton Rothesay School seek to carry out all aspects of school business and activity with full regard to high standards of conduct and integrity. The school is committed to tackling fraud and other forms of malpractice and will treat seriously any issues that arise.

In the event that a director, member of school staff, parent or a member of the school community becomes aware of an activity which gives cause for concern, they should refer to this policy. This policy acts as a framework to allow a concern to be raised confidentially, and provides for a thorough and appropriate investigation of the matter, in order to bring it to a satisfactory conclusion.

We are committed to creating a climate of trust and openness, so that a person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered and resolved. Throughout the policy, the term “whistleblower” denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense.

The provisions of this policy apply to matters of suspected fraud and impropriety, and not matters of a more general grievance, which would be dealt with through the School Complaints Policy or the Staff Grievance Policy.

2. When might the Whistleblowing Policy apply?

The type of activity or behaviour which we consider should be dealt with under this policy includes the following (this is not an exhaustive list):

- failure to meet the requirements of any published policy, procedure or standard of ERS
- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- any criminal activity
- abuse of position
- fraud and deceit
- serious breaches of school procedures which may advantage a particular party (eg. tampering and tender documentation, failure to register a personal interest)
- Serious risk to the Health and Safety of any individual. (Change in the 2022 Act)
- action which is contrary to the behaviour and conduct expected of employees
- sexual or physical abuse of pupils or others
- other unethical conduct

3. What action should the Whistleblower take?

In the first instance, a member of staff should raise their concern with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the

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issues and who is involved. For example, if the member of staff believes that their immediate manager or their manager's superior is involved, they should approach the Headteacher or the Chair of Governors.

If the whistleblower is not a member of staff, the concern should, in the first instance, normally be reported to the appropriate Base Leader or the Headteacher.

Concerns are better raised in writing. In reporting the concern, the whistleblower should set out the background and history of the concern, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If the whistleblower does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.

The earlier a whistleblower expresses the concern, the easier it is to take action.

Although a whistleblower is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

How will the matter progress?

The person to whom the concern is reported will seek to establish an overview of the concern and will assess a) whether it has foundation and b) whether it can be resolved quickly and informally. If it has foundation and cannot be resolved quickly and informally, they will either initiate stage 1 of the Procedure for Investigating the Concern or report the concern to their line manager, if it is such that this is appropriate. The line manager may then assume responsibility for initiating stage 1 of the Procedure.

Respecting Confidentiality

Wherever possible, the school will seek to respect the confidentiality and anonymity of the whistleblower and will, as far as possible, protect him/her from reprisals. The school will not tolerate any attempt to victimise the whistleblower or any attempt to prevent a concern being raised. The school will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Raising an Unfounded Malicious Concern

Individuals are encouraged to come forward in good faith when they have a genuine concern, with the knowledge that they will be taken seriously. However, if an individual raises an unfounded malicious concern or attempts to make mischief, this will be taken seriously and may constitute a disciplinary offence.

Procedure for Investigating a Concern

Stage 1

The person initiating stage 1 (the Investigating Officer) will arrange a meeting, to take place as soon as possible with the whistleblower. At this meeting the Investigating Officer will establish:

- the facts and scope of the concern
- that there is genuine cause and sufficient grounds for the concern
- that the concern has been appropriately raised via the Whistleblowing Policy.

The Investigating Officer will ask the whistleblower to put their concern in writing, if they have not already done so and make notes of the discussions with the whistleblower. They will ensure that either the whistleblower's account or the notes from the meeting record the following:

- that the issue has been raised via the whistle-blowing procedure
- the background and history of the concern
- names, dates and places (where possible)
- the reasons why the employee is particularly concerned about the situation.

The Investigating Officer will ask the whistleblower to date and sign their account and/or the notes of the discussion. They should positively encourage the whistleblower to do this, as a concern expressed anonymously is less powerful and more difficult to address, especially if the account/ notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Investigating Officer will explain to the whistleblower:

- what steps they intend to take to address the concern
- that the matter will be taken seriously and investigated immediately
- how they will communicate with the whistleblower during and at the end of the process
- that a written response will be sent out within ten working days
- that their identity will be protected as far as possible, but should the investigation into the concern require the whistleblower to be named as the source of the information, that this will be discussed with the whistleblower before their name is disclosed
- no punitive action will be taken against the whistleblower in the event of their concern being unfounded, provided that there is no indication that their motive was either malicious or mischievous
- however, if evidence is uncovered during the investigation that the whistleblower's motive was either malicious or mischievous, disciplinary action may be taken against them
- should the investigation come to the decision that the concern is unfounded, the matter will be deemed to have been concluded, unless new evidence becomes available.

Stage 2

The Investigating Officer should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that the concern is addressed via the appropriate procedure/process.

Following the stage 1 meeting, the Investigating Officer will consult with the Headteacher or Chair of Governors to determine whether an investigation needs to take place and, subsequent to all investigations, the conclusions that have been reached as a result.

The Investigating officer, again following consultation if required, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral, such as the Police.

The Investigating officer will make a record of all conclusions, decisions and/or agreed actions. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Investigating Officer should take the following factors into account:

- the seriousness of the issue(s) raised
- the credibility of the concern
- the likelihood of confirming the allegation(s) from attributable sources

Stage 3

Within ten working days of a concern being received, the Investigating Officer will write to the whistleblower to:

- acknowledge receipt of the concern
- indicate how the matter has been addressed and whether further action is still required
- give an estimate of how long it will take to provide a final response, if the situation has not yet been resolved
- provide the whistleblower with details of whom to contact should they be dissatisfied with this response (usually the Chair of Governors)

This process should be repeated at least every ten working days until a final response has been provided.

Depending on the nature of the concern, the investigation and/ or its conclusions, the matter may be reported to the directors.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter, or has genuine concerns that the matter has not been handled appropriately, they should raise this concern with the Headteacher or, if appropriate, the Chair of Governors.

Review

This policy will be reviewed at least every three years.

Policy approved by: Cherry Martin
(on behalf of Governing Body)
Date: October 2023

Next Review (latest): October 2026