



WHISTLEBLOWING POLICY – DRAFT

Responsible: L Dandy / Management Committee

Status: Statutory

Date reviewed: Sept 2021

Next review Date: Sept 2022

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1. Scope and purpose

1.1. Malden Oaks is committed to conducting itself with honesty and integrity, and expects all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations from occurring or to address them when they do.

1.2. The aims of this policy are:

1.2.1. To encourage staff and others to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;

1.2.2. To provide guidance as to how to raise those concerns; and

1.2.3. To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken

1.3. This policy does not form any part of any employee's contract of employment and it may be amended at any time.

2. Who is covered by this policy

2.1. This policy applies to all individuals working at all levels of Malden Oaks, including members of Management Committee, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3. Who is responsible for this policy

3.1. Malden Oaks Management Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy

3.2. The School Business Manager (see Contacts: section 11) has day-to-day operational responsibility for this policy, and must ensure that managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training

3.3. All staff are responsible for the effective implementation of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing

3.4. All staff will be notified of any amendments and directed to read this policy online on the website.

4. What is whistleblowing?

4.1. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or danger at work. This may include:

4.1.1. Criminal activity;

4.1.2. Miscarriages of justice;

4.1.3. Danger relating to health and safety;

4.1.4. Damage to the environment;

4.1.5. Failure to comply with any legal or professional obligation or regulatory requirements

4.1.6. Bribery;

4.1.7. Financial fraud or mismanagement;

4.1.8. Negligence;

4.1.9. Breach of internal policies and procedures;

4.1.10. Conduct likely to damage the reputation of the School;

4.1.11. Unauthorised disclosure of confidential information;

4.1.12. Concerns about the harm or risk of harm to children;

4.1.13. The deliberate concealment of any of the above matters.

4.2. A **whistleblower** is a person who raises a genuine concern relating to any of the above. If a member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the schools activities (a whistleblowing concern) they should report it under this policy.

4.3. This policy should not be used for complaints relating to a member of staff's own personal circumstances, such as the way they have been treated at work. In those cases the

staff member should use the Grievance Policy and Procedure, available on the school website.

4.4. If a member of staff is uncertain whether something is within the scope of this policy they should seek advice from the School Business Manager or Head Teacher, whose contact details are at the end of this policy.

5. Raising a whistleblowing concern

5.1. Malden Oaks School hopes that in most cases staff will be able to raise any concerns with their line manager, member of the Senior Leadership Team or Headteacher. A member of staff may tell them of their concern in person or in writing if they prefer. They may be able to agree a way of resolving the concern quickly and effectively. We would hope that most whistleblowing concerns will be dealt with at school level.

5.2. However, where the matter is more serious, or if the member of staff feels that their line manager, school leadership team, Head of Centre or Headteacher has not addressed the concern, or if they prefer not to raise it with them for any reason, they should contact the Management Committee Clerk

6. Confidentiality

6.1. Malden Oaks School hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise a concern confidentially, the school will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the member of staff's identity this will be discussed with them.

6.2. The school does not encourage staff to make disclosures or voice concerns anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from the member of staff raising the concern. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Management Committee Clerk and appropriate measures can then be taken to preserve confidentiality. If a member of staff is in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy

7. Investigation and Outcome

7.1. Once a member of staff has raised a concern, the school will arrange a meeting with them as soon as possible to discuss their concern. A member may bring a colleague or union representative to any meetings under this policy. The companion must agree to respect the confidentiality of the disclosure and any subsequent investigation.

7.2. The school will make a written summary of the member of staff's concern and provide them with a copy after the meeting. The school will also aim to provide an indication of how it proposes to deal with the matter.

7.3. The school will carry out an initial assessment to determine the scope of any investigation. The Management Committee will inform the member of staff of the outcome of its assessment. The member of staff may be required to attend additional meetings in order to provide further information.

7.4. In some cases, the Management Committee may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.

7.5. The school will keep the member of staff who raised the concern informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Management Committee from giving the member of staff specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation should be treated as confidential.

7.6. If the Management Committee concludes that the whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

8. If a member of staff is not satisfied with the outcome

8.1. While the school/Trust cannot always guarantee the outcome that the member of staff raising the complaint may be seeking, it will deal with the concern fairly and in an appropriate way. By using this policy staff can help the school to achieve this.

8.2. If, having followed the procedures laid out in this policy, a member of staff remains unhappy with the way in which their concern has been handled, they should raise their concern with the Chair of the Management Committee (see section 11).

9. External Disclosures

9.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and resolving wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

9.2. The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will rarely, if ever, be appropriate to alert the media. The school strongly encourages staff 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 document.

9.3. Whistleblowing concerns usually relate to the conduct of the school's staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect staff if they raise the matter with the third party directly. However, the school encourages staff to report such concerns internally first. Staff should contact their line manager, senior leadership team, Head of Centre, Headteacher or the Clerk to the Management Committee for guidance.

10. Protection and support for whistleblowers

10.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. Malden Oaks aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

10.2. Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that they have suffered any such treatment, they should inform the Clerk to the Management Committee immediately. If the matter is not remedied, they should raise it formally using the Trust's Grievance Policy and Procedure.

10.3. Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

11. Contacts

School Business Manager	Laura Dandy	020 8289 4669
Clerk to the Management Committee	Karen Velissarides	karenvelissarides@maldenoaks.rbksch.org
Chair of the Management Committee	Robert Green	robertgreen@maldenoaks.rbksch.org
Public Concern at Work (Independent whistleblowing charity)		Helpline: 020 7404 6609 e-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
NSPCC whistleblowing helpline (Available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way in which a safeguarding concern is being handled by their school)		Helpline: 0800 028 028 (Monday-Friday, 0800-2000) E-mail: help@nspcc.org.uk