



MAGDALEN COLLEGE SCHOOL

WHISTLEBLOWING POLICY AND PROCEDURE

This policy is non-contractual, and is not part of an employee's contract of employment. It may be modified or withdrawn at the School's discretion.

The School is committed to high standards of probity and good practice in employer/employee relationships and this policy and procedure on whistleblowing is intended 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 or unethical conduct. Indeed, all staff have a duty to notify the appropriate member of the Master's Advisory Committee where they discover instances of bribery, fraud or other malpractice. This policy and procedure also provides if necessary, for such concerns to be raised outside the organisation.

The Public Interest Disclosure Act 1998 protects employees from any victimisation by employers if they reveal any wrong-doing in the workplace, and fear that they might be victimised in so doing. This policy is designed to ensure that employees can follow simple procedures, and to reassure everyone in the School that their concerns will be taken seriously.

Note: The raising of concerns, by staff, over **safeguarding** of children is also a form of "whistleblowing" but these concerns should be raised with the designated safeguarding lead (the Usher) in accordance with the procedure set out in the Safeguarding Policy. All staff have a responsibility to speak up about safeguarding and welfare matters within the school (usually to the Usher, in the first instance, and to external agencies where necessary). If a colleague is concerned that the Usher has not referred a matter which he/she feels is important, or if their concern relates to the Usher, he/she should refer the matter to the Master or Chairman of Governors. All staff must also be aware of their duty to raise concerns about colleagues acting in an inappropriate way with pupils. Staff raising such concerns are also protected by this policy in respect of disclosures made and concerns raised, as provided by this policy.

Responsibilities

The Master has overall responsibility for the procedures and for ensuring that:

- appropriate procedures are in place
- they are implemented
- any concerns and action taken are reported to the next meeting of the Governing Body without revealing the name of the complainant or any unnecessary details
- all staff are aware of their rights and duties

Elements of the Policy

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, the School's policy on whistleblowing is intended to demonstrate that the 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.

Procedure

This procedure is separate from the School's grievance procedure. Employees should not use the whistleblowing procedure to raise grievances about their personal employment situation.

This procedure is to enable members of staff to express a legitimate concern, without fear of reprisal, regarding suspected malpractice within the School.

Malpractice is not easily defined; however, it includes actions which could reasonably be considered potentially or actually unlawful, allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of conduct or other School policies 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. It could also include any concealment of such actions.

Confidentiality

Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and it will not be reported to anyone else within the School unless the employee agrees or unless required by law. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity the police will be informed in all cases.

Employees are encouraged wherever possible to agree to the matter being passed onto the appropriate people so that it may be properly dealt with. The employee should also be aware that even if the person who is told agrees to confidentiality, others may attempt to deduce the identity of the employee who has raised a concern.

Investigation

A member of staff will be at liberty to express their concern to the Master, Bursar or Usher, unless their concern relates to the Master in which case see below.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff making the allegation will be informed of progress within ten working days and, whenever possible and subject to third party rights, will be informed of the resolution. The School will not be able to inform members of staff of any matters which would infringe the duty of confidentiality owed to others.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Governors.

If the concern is about any action taken by the Master, the matter should be raised with the Governors via the Bursar, who acts as Clerk to the Governors.

The Governing Body will appoint no fewer than three of its members to consider the matter and will attempt a resolution within ten working days of receiving the complaint. They may appoint one panel member who is not a Governor.

External Procedures

Where all internal procedures have been exhausted, a member of staff will have a right of access to the Governors.

The School recognises there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary, the School reserves the right to make such a referral without the consent of the member of staff.

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
- the School would conceal or destroy the relevant evidence
- they would be victimised by the School
- the Secretary of State has ordered it.

Such external bodies may include (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), the NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk), or Public Concern at Work (an independent whistleblowing charity, helpline 0207 404 6609, email: whistle@pcaw.co.uk, website: www.pcaw.co.uk).

Malicious Accusations

If it should become clear that false allegations have been made for purely malicious reasons or to pursue a personal grudge against another member of staff or manager, this could constitute misconduct and in appropriate cases will be dealt with in accordance with the terms of the School's Disciplinary Procedure.

Protection from Reprisal or Victimisation

Provided the member of staff reasonably believes the information disclosed is in the public interest and shows wrongdoing, it will not normally matter if the member of staff is mistaken. The law protects workers who have reported such wrongdoing from reprisals by their employer (or its agents) or their colleagues. Staff should be aware they can be held personally liable as well as, or instead of, the School for the detrimental treatment of someone who has reported wrongdoing. Examples of detrimental treatment include bullying, harassing, threatening, sidelining, singling out or unjustifiably disciplining a colleague because they have reported wrongdoing or invoked this policy. The School will not tolerate reprisals of any kind and such behaviour will be dealt with under the School's Disciplinary Procedure.

Those raising concerns must not commit a criminal offence in so doing, disclose confidential information to any person outside the School nor expect any personal gain from making the revelation.

Reviewed by: Blake Morgan, January 2015
HR Manager, October 2017

Next review: October 2018