



MAGDALEN COLLEGE SCHOOL

FOUNDED IN 1480
BY WILLIAM OF WAYNFLETE

Whistleblowing Policy and Procedure

WHISTLEBLOWING POLICY AND PROCEDURE

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 It may be modified or withdrawn at the School's discretion.

The School has adopted this policy and the accompanying procedure on whistleblowing 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, a failure to comply with legal obligations, inappropriate behaviour or unethical conduct. This policy covers all employees, consultants, contractors, volunteers, apprentices, casual workers and agency workers. This policy and procedure also provides, if necessary, for such concerns to be raised outside the organisation.

The Public Interest Disclosure Act 1998 (as amended) protects employees from any victimisation or reprisals arising because they have made a disclosure about any actual or suspected wrongdoing in the workplace. This policy is designed to ensure that employees can report their concerns using a simple procedure, 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.

About this Policy

The School is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with our Staff Behaviour Policy. 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 occurring and to address them when they do occur.

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

Aims

The School's policy on whistleblowing is intended to demonstrate that the School:

- will not tolerate malpractice;
- encourages staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate;
- 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; and
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

Scope of this policy

This procedure is separate from the School's grievance procedure. Individuals should not use the whistleblowing procedure to raise concerns relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the School's Grievance Procedure or Anti-Harassment and Bullying Policy should be used, as appropriate. If you are uncertain whether something is within the scope of this procedure you should first seek advice from the Master or the Bursar.

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

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing, malpractice or dangers at work. Malpractice is not easily defined; however, 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 (negligence).

A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the School. If you have any genuine concerns related to suspected malpractice affecting any of the School's activities (a whistleblowing concern), you should report it under this procedure.

If staff and volunteers feel unable to raise an issue with the School or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

- Protect, an independent whistleblowing charity (helpline: 020 3117 2520, email: whistle@protect-advice.org.uk , website: <https://protect-advice.org.uk/>)
- The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk).

Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this procedure.

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. Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Master or Bursar who will consider appropriate measures to preserve confidentiality insofar as is reasonable. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out above.

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

Raising a whistleblowing concern

We hope that in many cases you will be able to raise any concerns with your 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. In some cases, they may refer the matter to the Master, Usher or Bursar. It is preferable for allegations to be made to an employee's immediate manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them.

However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you are at liberty to raise a whistleblowing concern to the Master, Usher or the Bursar directly. If you feel unable to approach the Master, the Usher or the Bursar directly, then the Chair of Governors should be the first point of contact. 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.

A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this procedure. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. You will be kept informed of the progress of the investigation and its likely timescale. Whenever possible and subject to third party rights, you will be informed of the resolution. 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.

If you are not satisfied that your concern is being properly dealt with, you will have a right to raise it in confidence with 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. Alternatively, you can follow the external procedure below.

External Procedures

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This 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).

It will very rarely, if ever, be appropriate for you to alert the media.

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; or
- the Secretary of State has ordered it.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Malicious Accusations

False, malicious, vexatious or frivolous accusations will be dealt with under the School's Disciplinary Procedure.

Protection from Reprisal or Victimisation

It is understandable that whistle blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the Whistleblowing procedures. If you believe that you have suffered any such treatment, you should inform your line manager or the Usher/Bursar as appropriate immediately. If the matter is not remedied, you may raise it formally using the School's Grievance Procedure.

You must not threaten or retaliate against whistle blowers in any way. If you are involved in such conduct, you may be subject to disciplinary action.

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, side lining, 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.

Please note that where a person making a disclosure commits a crime in doing so, they will not be protected under the Public Interest Disclosure Act 1998.

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| Reviewed by | HR Director |
| Reviewed by | J Wright |
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