



MAGDALEN COLLEGE SCHOOL

FOUNDED IN 1480
BY WILLIAM OF WAYNFLETE

Whistleblowing Policy and Procedure

Reviewed by	J Wright - HR Director
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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 It may be modified or withdrawn at the School's discretion.

We have adopted this policy and the accompanying procedure on whistleblowing to enable you 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 Chair 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

We are committed to conducting our business with honesty and integrity and expects you and 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

Our policy on whistleblowing is intended to demonstrate that we:

- will not tolerate malpractice;
- encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that your concerns will be taken seriously and investigated, as appropriate;
- respect your confidentiality if you raise concerns and we will provide procedures to maintain your 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. The policy seeks to reassure you that you can raise genuine concerns without fear of reprisal, even if you turn out to be mistaken; 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 our grievance procedure. You should not use the whistleblowing procedure to raise concerns relating to your own personal circumstances, such as the way you have been treated at work. In those cases, our Grievance Procedure, Anti-Harassment and Bullying Policy or Prevention of Sexual Harassment 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 has been implemented to enable you 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 you feel unable to raise an issue with us or feel that your genuine concerns are not being addressed, you may report your 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. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.

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 be informed in all cases.

Raising a whistleblowing concern

We hope that in most cases you will be able to raise any concerns with your line manager. Concerns can be raised in person or put in writing if you prefer. It may be possible to agree a way of resolving your concern quickly and effectively. In some cases, this may not be possible and the matter may need to be referred to the Master, Usher or Bursar.

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 a trade union representative to any meetings under this procedure. Any companion must respect the confidentiality of the 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 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

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within the School. In most cases you should not find it necessary to alert anyone externally.

However, if all internal procedures have been exhausted, you 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 you may be entitled to raise a concern directly with an external body where you reasonably believe that:

- exceptionally serious circumstances justify it;
- we would conceal or destroy the relevant evidence;
- that you they would be victimised by us; or
- the Secretary of State has ordered it.

We strongly encourage you to seek advice before reporting a concern to anyone externally. 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 our Disciplinary Procedure.

Protection from Reprisal or Victimisation

It is understandable that staff are sometimes worried about possible repercussions as a result of raising a whistleblowing disclosure. We aim to encourage openness and will support you if you raise genuine concerns under this policy, even if you turn out to be mistaken.

You will not suffer a detriment or be disciplined for raising a genuine and legitimate concern, provided that you 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 our 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.