



Kendrick School

Whistleblowing Policy

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CONTENTS

This document has three main sections:

Section 1 THE INTRODUCTION, PURPOSE, SCOPE AND PRINCIPLES OF THE POLICY

This sets out the reason for the policy, describes who is covered by it and the principles contained within it.

Section 2 THE 'WHISTLEBLOWING' POLICY

Section 3 THE 'WHISTLEBLOWING' PROCEDURE

This sets out the procedure to be followed.

SECTION 1: INTRODUCTION, PURPOSE, SCOPE AND PRINCIPLES

INTRODUCTION

This policy is in addition to the Kendrick School's 'Fairness and Dignity at Work' policy and other complaints and grievance procedures and the code of conduct.

This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

PURPOSE

- To encourage staff to feel confident in raising serious concerns, report wrongdoing or misconduct, to question and act upon concerns about practice.
- To provide staff with a method of raising concerns and receive feedback on any action taken.
- To ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- To reassure staff that there will be protection from reprisals or victimisation for whistleblowing in good faith

SCOPE

All staff of Kendrick School are covered by this policy.

The policy applies to contractors working for Kendrick School on Kendrick School premises, for example, agency staff, builders, independent consultants and members of the Board of Trustees. It also covers any suppliers and those providing services under a contract with Kendrick School in their own premises.

This policy is in addition to the Kendrick School's Complaints Policy, and other statutory reporting procedures that may apply to some sections.

Kendrick School has a grievance procedure that enables employment grievances to be lodged. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

A concern may be about (for example):

- Conduct which is a criminal offence (e.g. theft) or a breach of civil law (e.g. slander or libel)
- Suspected fraud or corruption (please also note that the Audit Commission have produced leaflets for employees and managers about suspected fraud or corruption, copies of which are available from Internal Audit at Reading Borough Council)
- Disclosures related to miscarriages of justice.
- Maladministration (e.g. unjustified delay, incompetence, neglect advice)
- Dangerous procedures or activities risking Health and Safety, including risks to the public as well as other employees and students (e.g. faulty electrical equipment).

- Discrimination or abuse on grounds of race, gender, sexuality or disability.
- Damage to the environment (e.g. pollution).
- Abuse of power (e.g. bullying/harassment)
- Breaches of established standards of good practice or agreed procedures.
- The inappropriate use or breaches of the Kendrick School's standing orders and financial procedures.
- Action which is contrary to the code of conduct for employees.
- Inappropriate use of the Internet/email.
- Suspected sexual, physical, psychological, financial or other abuse of children and vulnerable adults,
- Other unethical conduct, or
- Age discrimination.

A wrongdoing disclosed must be in the public interest and may relate to or show one of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a Health & Safety risk
- damaging the environment
- misuse of public money
- corruption or unethical conduct
- abuse of pupils, students or other users
- deliberate concealment of any of these matters
- any other substantial and relevant concern.

PRINCIPLES

The following important principles are contained within this policy:

- a) The Board of Trustees has overall responsibility for the maintenance and operation of this policy;
- b) It contains the provisions that are required from the Public Interest Disclosure Act 1998, and requirements under common law "duty of care" e.g.
 - Draw attention to any matter considered damaging to the interest of service users, carers or colleagues,
 - Put forward suggestions which may improve quality of service,
 - Correct any statutory omission,
 - Prevent malpractice.
- d) That Kendrick School is committed to tackling malpractice and that staff know that any matter regarding malpractice and other illegal acts will be dealt with seriously and immediately.
- e) The policy has the support of recognised trade unions.
- f) Kendrick School has a particular responsibility for protecting the welfare of children and staff under obligation to raise concerns about the abuse of children.

- g) When taking action under this procedure, staff may be accompanied by a trade union representative, or another person of their choice.
- h) If a matter raised results in any disciplinary action, Kendrick School's disciplinary procedure will apply.
- i) This policy will be reviewed every 3 years by the Board of Trustees of Kendrick School

SECTION 2: THE WHISTLEBLOWING POLICY

1. PREAMBLE

Kendrick School is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to its stakeholders. Whilst the School has put in place a wide range of policies, procedures and codes of practice to deliver this commitment, malpractice and /or wrong doing unfortunately may occur.

- 1.1. Kendrick School is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, staff are encouraged, if they have serious concerns about any aspect of the School's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.2. It is in the interest of all concerned that disclosure of wrong doing or irregularity is dealt with properly, quickly and discreetly. This includes the interests of the School, its staff, any persons who are the subject of any disclosure, as well as the person making the disclosure.
- 1.3. This policy makes it clear that matters of concern can be raised without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable serious concerns to be raised **within** Kendrick School rather than overlooking a problem or blowing the whistle outside. **Concerns should not be raised outside or in the press before attempting to resolve it in accordance with this procedure.**
- 1.4. Staff are likely to be the first to realise if there were something seriously wrong within Kendrick School. However, they might hesitate to express concerns because they may feel that speaking up would be disloyal to colleagues or to the School. It could also be due to fear of harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This policy supports staff in raising their concerns.

2. SAFEGUARDS

- 2.1. The School is committed to good practice and high standards and wants to support its staff.
- 2.2. The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If staff believe what they are saying to be true, they should have nothing to fear because in reporting their concern they will be doing their duty to their employer and those for whom they are providing a service.
- 2.3. The School will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff if a concern is raised in good faith. If appropriate, the School's Fairness and Dignity at Work policy will apply to those who carry out unacceptable behaviour.

2.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or organisational change procedures that already affect staff.

3. CONFIDENTIALITY

3.1. The School will do its best to protect staff identity when a concern is raised and names are not to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of the evidence. Staff will be given prior notice of this and a chance to discuss the consequences.

3.2. Advice and support are also available from trade union officers and representatives.

3.3. The confidentiality of service users will not be compromised as staff have a duty in law and within their professional codes of conduct to maintain this. See the School's Confidentiality policy.

4. TRADE UNION & INDEPENDENT ADVICE

4.1 Trade Unions

Trade union members are encouraged to raise and discuss matters with union representatives before seeking to invoke the Whistleblowing Procedure. Trades unions can guarantee absolute confidentiality and can advise whether or not to proceed. A trade union representative may also accompany or represent staff at any meetings.

4.2 Independent Advice

If staff are unsure to use this procedure or they want independent advice at any stage they may contact:

Public Concern At Work,
CAN Mezzanine
7 – 14 Great Dover Street
London,
SE1 4YR. Telephone: 020 7404 6609

Public Concern At Work is a registered charity which promotes accountability and good governance in organisations and responsibility amongst individuals.

5. ANONYMOUS ALLEGATIONS

5.1. This policy encourages staff to put their name to the allegation. Concerns expressed anonymously are much less powerful, but they will be considered (at the discretion of the School).

5.2. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and

- the likelihood of confirming the allegation from attributable sources or factual records.

5.3 If a concern is raised anonymously and it is considered, then it will not be possible for the member of staff to be contacted or informed of the outcome of the concern or discuss any aspect of the concern.

6. UNTRUE ALLEGATIONS

6.1. If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against that person. If, however, it is established that malicious or frivolous allegations have been made for personal gain, disciplinary action may be taken against that person. In such cases, the School's disciplinary procedure will apply.

7. LEGAL PROTECTION FOR WHISTLEBLOWERS

7.1 Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.

7.2 Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.

7.3 The school's Board of Trustees will provide all reasonable protection for those who raise concerns made in the public interest.

7.4 The school's Board of Trustees will be responsible for ensuring that appropriate personal support is offered both to an employee raising a concern and to any employee against whom allegations have been made under this procedure.

7.5 Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

SECTION 3: THE 'WHISTLEBLOWING' PROCEDURE

1. HOW TO RAISE A CONCERN

- 1.1. As a first step, staff should normally raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if it is believed that management is involved, or it is felt that the response to the concern is unsatisfactory, a higher level of management, a member of the Senior Leadership Team (SLT) or the Chair of the Trust Board should be approached.
- 1.2. Concerns may be made verbally or in writing to the line manager (as above, setting out the background and history of the concern, giving names, dates and places where possible and the reason why there are particular concerns about the situation. The earlier a concern is expressed, the easier it is for someone to take action. Whether the complaint is made verbally or in writing, the line manager to whom the complaint has been passed, will minute receipt of the complaint and the details. These minutes will be dated and signed by the line manager.
- 1.3. Although staff are not expected to prove the truth of an allegation, sufficient grounds for the concern need to be demonstrated to the person that has been contacted.
- 1.4. Advice and guidance on how matters of concern may be pursued can be obtained from the line manager or the SLT.
- 1.5. It is perfectly reasonable for staff to discuss their concern with a colleague and it may be more comforting to raise the matter if there are two members of staff who have the same concern.
- 1.6. Because of the difficulty of raising a concern, trade unions or other representatives may be asked to raise a matter on the staff member's behalf or asked to accompany the staff member to meet with the line manager.
- 1.7. Those who may not be in a formal line management relationship because of their employment status, e.g. agency staff, contractors etc., should discuss their concerns with a relevant colleague or manager within the school.

2. HOW WILL THE SCHOOL RESPOND

- 2.1. The action taken by the school will depend on the nature of the concern. The matters raised may be followed up in one of the following ways:
 - be investigated internally by management (it must be emphasised that no-one who is the subject of a complaint or concern will be involved in the handling of it), internal audit or through disciplinary procedures;
 - be referred to the Police;
 - be referred to the external auditor;
 - form the subject of an independent enquiry.

- 2.2. In order to protect individuals and Kendrick School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures, (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 2.3. Some concerns may be resolved by agreed action between the line manager, individual and those whose actions had caused concern. If urgent action is required, this will be taken before any investigation is conducted.
- 2.4. Within 10 working days of a concern being raised the person handling the matter will write to the person raising the concern to:
- acknowledge that the concern has been raised;
 - indicate how the matter will be dealt with;
 - give an estimate of how long it will take to provide a final response;
 - inform whether any initial enquiries have been made;
 - provide information on staff support mechanisms, and
 - inform whether further investigations will take place, and if not, why not.
- 2.5. The amount of contact between the people considering the issues and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought as part of the investigation process.
- 2.6. When any meeting is arranged, staff have the right, if so wish, to be accompanied by a trade union representative or another person of their choice who is not involved in the area of work to which the concern relates.
- 2.7. The School will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if it is required to give evidence in criminal or disciplinary proceedings, the School will advise the staff member about the procedure.
- 2.8. The School accepts that assurance needs to be given that the matter has been properly addressed. Subject to legal constraints, information about the outcomes of any investigations, and the action that is to be taken against those whose actions caused concern will be sent to the person raising the concern. Also, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

3. HOW THE MATTER CAN BE TAKEN FURTHER AND HOW CONCERN CAN BE RAISED EXTERNALLY

- 3.1. This policy is intended to provide staff with a way in which concerns can be raised **within** the School. Kendrick School hopes that any matter raised has been considered properly and satisfactorily. If it is deemed to be unsatisfactory and it is right to take the matter outside the School, the following are possible contact points:
- Local Council member or MP (if you live in the area of the RBC);
 - The Local Government Ombudsman;
 - An external auditor;

- relevant professional bodies or regulatory organisations;
- Citizens' Advice Bureau;
- Voluntary organisation;
- The Police
- Reading Borough Council/ Brighter Futures for Children
- Department of Education
- The Environment Agency
- The Health & Safety Executive

If matters are taken outside the school, prohibited confidential information cannot be disclosed. This must be checked before contact is made.

WHISTLEBLOWING PROCEDURE

The Board of Trustees will consult with staff and trade unions on the detailed procedure to be followed under the policy