



Whistleblowing Policy

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1	Related Information	3
1.1	Statutory Guidance	3
1.2	Supporting Documents.....	3
1.3	Terminology.....	3
2	Introduction	3
3	Aims of this Policy	4
4	Definitions	4
4.1	Whistleblowing	4
5	Safeguarding	5
5.1	Policy on Safeguarding	5
5.2	Safeguarding – member of staff.....	5
5.3	The Modern Slavery helpline	5
6	Confidentiality and Anonymity	6
7	Procedures	6
	Stage 1: Disclosure	6
	Stage 2: Investigation.....	7
	Stage 3: Report to Executive Principal/Head Teacher/Trustees.....	7
8	Relevant external reporting	8
9	Support	8
10	The Media.....	9
11	Monitoring, Evaluation and Review	9

1 Related Information

1.1 Statutory Guidance

This statutory policy has been reviewed in accordance with the following guidance:

Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) Employment Rights Act 1996 Data Protection Act 2018 General Data Protection Regulation (2016/679 EU) Public Interest Disclosure Act 1998

1.2 Supporting Documents

The following related information is referred to in this policy:

Complaints Policy
Safeguarding Policy
Staff Employment Manual

1.3 Terminology

Executive Principal means the Executive Principal of Haberdashers' Elstree Schools.

Head means either the Head of the Boys' School and Head of the Girls' School.

Parents include one or both parents, a legal guardian, or education guardian.

School means Haberdashers' Boys' School and Haberdashers' Girls' School, as now or in the future constituted (and any successor) part of Haberdashers' Aske's Elstree Schools Limited, the School Trustee of Haberdashers' Aske's Charity.

Student or **Students** means any student or students in the School at any age.

Board means Board of Trustees for the charity.

Chair of the Board means Chair to the board of trustees.

2 Introduction

The School is committed to conducting its business with honesty and integrity, to ensure:

- We continue to deliver high standards of education.
- We discharge our responsibility to safeguarding children.
- We protect the welfare and working environment of our staff.

We expect all staff to maintain high standards in accordance with our Code of Conduct contained within the Employment Manual.

Speaking up about any concerns you have at work is important, and the School will treat seriously any concern raised about illegal or improper conduct and respond to all raised concerns properly and fairly.

You may feel worried about raising concerns, but we encourage everyone to have the confidence to raise these when they are observed.

The Whistleblowing policy is about the proper ways someone should raise concerns about suspected wrongdoing, malpractice or dangers at work and sets out how we deal with them.

Those who raise genuine concerns can do so without fear of losing their job or reprisal. The schools will not tolerate any form of harassment, bullying or victimisation of anyone raising a concern, and any such behaviour will be deemed a breach of our code of conduct and values.

The Whistleblowing Policy explains the way you should raise concerns about suspected wrongdoing, malpractice or dangers at work and sets out how we deal with them.

3 Aims of this Policy

The aims of this Policy are to:

- Encourage those engaged with the school, 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.
- Support a culture of openness and ethical behaviour.
- Provide for matters to be dealt with quickly, in a fair and impartial manner.
- Remind staff of their duty of confidentiality, which is implied by law in every contract of employment and prohibits staff from publicly disclosing employers' confidential information.
- Provide guidance as to how to raise those concerns.
- Reassure those who do raise concerns that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy covers all employees, officers, Governors, consultants, contractors, volunteers, work placement students, casual workers and agency workers.

4 Definitions

4.1 Whistleblowing

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

- Criminal activity
- Safeguarding concerns
- Failure to comply with any legal or professional obligation or regulatory requirements
- Miscarriages of justice
- Danger to health and safety
- Environmental damage
- Bribery

- Financial fraud or mismanagement
- Other unlawful or unethical conduct in the workplace, or
- The deliberate concealment of any of the above matters

These acts can be in the past, present or future, so for example a disclosure qualifies if it relates to environmental damage that has happened, is happening or is likely to happen.

If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities and such disclosure is in the public interest (a whistleblowing concern) you should report it under this policy.

This policy is not intended to be used for complaints about a fellow colleague or if you have a complaint relating to your personal circumstances in the workplace. If this is the case, the concern can be raised under the school Grievance Procedure.

Nothing within this policy is intended to prevent you from complying with your statutory responsibility in accordance with Keeping Children Safe in Education, applicable at the time, and the Schools Safeguarding Policy.

5 Safeguarding

5.1 Policy on Safeguarding

If you have a concern about a pupil's welfare, action should be taken immediately. You should report the concern to the Designated Safeguarding Lead or the Deputy Designated Safeguarding Lead. Please refer to the School's Safeguarding Policy for full information about what to do if you have a concern about a pupil, including what to do if the Designated Safeguarding Lead is not available.

5.2 Safeguarding – member of staff

If you have a concern about another staff member you should first raise it with your line manager. If the concern is about the line manager, raise it with the Head or if the concern is about the Head, with the Executive Principal or if the concern is about the Executive Principal, with the Chair of Governors (without first notifying the Head/Executive Principal) in accordance with the procedures in the School's Safeguarding Policy.

You should follow this procedure to raise concerns about poor or unsafe practices at the School or potential failures by the School or staff to properly fulfil its safeguarding responsibilities.

5.3 The Modern Slavery helpline

The School is committed to the prevention of Modern Slavery, which is the human trafficking and/or slavery for the gain of the school. If you have any queries relating to Modern Slavery, please contact the HR Director. Identified instances of modern slavery should be immediately notified to the Police. If you think you have identified an instance of modern slavery, or if you consider that you may be a victim of modern slavery you may contact the Modern Slavery helpline on 0800 0121 700. All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of

pupils, the conduct of staff or other matters, during the course of their employment in accordance with this policy. Safeguarding children is at the centre of the School's culture and concerns should always be raised in accordance with section 5 above.

Staff who raise concerns about working practices at the School to the Designated Safeguarding Lead or an appropriate senior member of staff will be protected from detriment under this policy.

6 Confidentiality and Anonymity

The School hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage anyone to make a disclosure anonymously. A 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.

7 Procedures

Stage 1: Disclosure

In the first instance you should raise the concern with your line manager, making it clear that you are raising a complaint under this policy. If your line manager is involved in the suspected wrongdoing, or if the matter is of such a serious and sensitive issue, you may approach another appropriate contact.

The schools have appointed a group of individuals who you can contact to raise concerns under this policy. Within this policy (unless otherwise stated) the appointed individuals will be:

- Head of Boys' School
- Head of Girls' School
- HR Director
- Chief Financial Officer
- Executive Principal
- Chair of HR Committee

Should it be alleged that one of the appropriate individuals is alleged of wrongdoing, the Executive Principal should be contacted.

If the concern is about the Executive Principal or a Governor, then the complaint should be raised with the Chairman of the Board via the Clerk to the Governors.

If the concern is about the Chairman of the Board, then the complaint should be raised with Chairman of the Education Committee of the Haberdashers' Company, via the Clerk to the Governors.

All concerns reported will be treated in the upmost confidence.

Stage 2: Investigation

Concerns are best raised in writing. You should set out the background and the history of the concerns, giving the names and places where possible and the reasons they are raising the concerns. If you do not feel able to raise the concerns in writing, please telephone or meet the appropriate contact above.

Where it is considered the Whistleblowing policy is not appropriate, the nominated contact will discuss and explain this to you and discuss next steps e.g. use of different school policy or procedure.

Following receipt of a disclosure made under this policy, an investigation meeting will be held. The purpose of this meeting is to gather as much information as possible from you regarding your concerns, including whether you have any supporting evidence or can identify witnesses.

The contact will arrange for an investigation, using someone with suitable experience (the investigator). The investigator appointed will:

- Meet with the staff member who raised the concern (the 'whistleblower'), usually within seven working days, or earlier if there is an immediate danger.
- Obtain as much information as possible from the whistleblower about the concern and the grounds for the belief in the wrongdoing.
- Consult with the whistleblower about further steps which could be taken.
- On occasion either the nominated contact or the investigator, may decide at this stage that the concern raised would be better looked at under another process.

At any investigative meeting the whistleblower is entitled to be accompanied by a colleague or trade union representative.

Where a companion is not available at the agreed time, the school will be permitted to continue with the meeting so as not to delay the process.

The investigator may need to conduct more than one meeting with the person who raised the concern. At each investigation meeting, the whistleblower will continue to be able to be accompanied by a companion, as above.

Stage 3: Report to Executive Principal/Head Teacher/Trustees

Where practical, within ten working days of the final investigation interview with the whistleblower, the investigator will recommend one of more of the following:

- An agreed outcome of action is to be taken by the School where it is possible to resolve the concern simply, or there is a simple explanation that can be provided
- The matter requires further investigation internally by the School
- The matter be investigated by an external authority as appointed by the School
- The matter be reported to an external body as detailed in point 9
- That no further action is required/ taken by the school

The grounds in which no further action is taken include:

- The investigator is satisfied, that on balance, there is no evidence of wrongdoing
- The matter is already (or has been) the subject of proceedings under one of more the Schools other policies or procedures

- The matter concerned is already subject to legal proceedings, or has already been referred to the Police, external auditors or other public authority.

Due to the confidentiality of the matters being considered there is no guarantee that the whistleblower will receive detailed information as to the decision made by the investigator. Should the whistleblower have any concerns about the way their concern has been considered they should contact the Chair of the Board.

Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

8 Relevant external reporting

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases we hope that those raising concerns find that it is not necessary to alert anyone external to the school. The law recognises, that in some circumstances it may be appropriate to report their concerns to a 'prescribed person' which is a defined list of external bodies. It will rarely, if ever, be appropriate to alert the media.

Those raising a concern are strongly encouraged to seek advice before reporting matters externally. If the whistleblower is not satisfied with the school's response, the nominated contact dealing with the concern will notify the staff member with whom they may raise the matter with externally, including:

- the Local Authority Designated Officer
- Children's Social Care
- the NSPCC
- the Health and Safety Executive
- the Environment Agency
- the Information Commissioner
- the Department for Education
- the Department for Business, Energy and Industrial Strategy
- the Police
- the Charity Commissioner
- the Independent Schools Inspectorate
- the Office for Standards in Education, Children's Services and Skills (Ofsted)
- the Channel Police Practitioner
- the Office of Qualifications and Examinations Regulation (Ofqual)

9 Support

Staff are strongly encouraged to seek advice before reporting a concern externally. The HR team are also available to offer advice and support at any stage of the process. It is recognised that raising a concern can be a difficult and stressful time for a staff member. Staff can access support through:

- **Health Assured**, the school's Employee Assistance provider on 0800 028 0199 or www.healthassureseap.com

Staff and those not employed by the school who raise a concern may also seek support through the following organisations:

- **Protect** – Protect the independent whistleblowing charity, who operate a confidential helpline. Staff can call 020 7404 6609 for advice or email whistle@protect-advice.org.uk.
- **NSPCC** - The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 (8.00 am to 8.00 pm Monday to Friday) or email help@nspcc.org.uk.

10 The Media

You should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and/or where your concern is disclosed in a malicious manner or for personal gain, the protection given to you by this procedure may be lost. Additionally, the School may consider this to be gross misconduct.

11 Monitoring, Evaluation and Review

All matters raised under the policy together with the outcome will be reported to the Board on a confidential basis who will have oversight in ensuring that any recommendations have been implemented.