

Whistleblowing Policy

INTRODUCTION

The School has adopted this policy and the accompanying procedure on whistleblowing so as 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, inappropriate behaviour or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the School.

Rydal Penrhos is committed to conducting its business with honesty and integrity, and expects all members of its staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct, thus a culture of openness and accountability is essential in order to prevent such situations occurring, and so as to enable the School to address them when they do occur.

The Rydal Penrhos policy on whistleblowing is intended to demonstrate that:

- it will not tolerate malpractice;
- it respects the confidentiality of staff who raise concerns, and will provide procedures to maintain confidentiality so far as is consistent with tackling the issues effectively;
- it will provide the opportunity to raise concerns outside the normal line management structure where this is appropriate;
- it will invoke the School's Disciplinary & Performance Policy & Procedure in the case of false, malicious, vexatious or frivolous allegations;
- it will provide a clear and simple procedure for raising concerns which is accessible to all members of staff.

DEFINITIONS

Whistleblower:

This is a person who raises a genuine concern relating to suspected malpractice within the School. Should an individual have any genuine concerns related to suspected malpractice affecting any of the School's activities (a whistleblowing concern), he or she should report it under this procedure.

Malpractice:

This term is not easily defined; however, it includes allegations of fraud, financial irregularity, 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.

LEGAL FRAMEWORK

The Public Interest Disclosure Act (1998), commonly referred to as the 'Whistleblowing Act', as an amendment to the Employment Rights Act (1996), provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. On 25 June 2013 there were some legal changes to what constitutes a qualifying disclosure.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one or more of the following is being, has been, or is likely to be committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation;
- the concealment of any of the above;
- any other unethical conduct;
- an act that may be deemed as radicalised or as a threat to national security.

Qualifying disclosures made before 25 June 2013 may have been made 'in good faith'; they do not have to have been made 'in the public interest.'

Disclosures made after 25 June 2013 do not have to be made 'in good faith'; however, if they are made 'in bad faith', this may affect the value of any compensation award by up to 25%.

The Public Interest Disclosure Act sets out the following rules for making a protected disclosure:

- the individual must believe it to be substantially true;
- the individual must not act maliciously or make false allegations;
- the individual must not seek any personal gain;
- since 25 June 2013, the disclosure must be made in the public interest.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

PROCEDURE

This procedure exists so as to enable members of staff to express a legitimate concern regarding suspected malpractice within the School.

It remains separate from the School's adopted procedures regarding grievances which are considered elsewhere in the Grievance Policy & Procedure. Individuals should not use the whistleblowing procedure to raise grievances about their personal employment situation; should a colleague be uncertain as to whether an issue falls within the scope of this procedure, he or she should seek advice from the Principal or the Head. Should the concern implicate the Principal or the Head, the member of staff is advised to make contact with the Chair of Governors via the Clerk to the Governors.

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

- Public Concern at Work (an independent whistleblowing charity):
 - helpline: (020) 7404 6609 or email: whistle@pcaw.co.uk,
 - website: www.pcaw.co.uk).
- the NSPCC:
 - whistleblowing helpline: 0800 028 0285 or email: help@nspcc.org.uk).

CONFIDENTIALITY

Rydal Penrhos trusts that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if an individual should wish to raise a concern confidentially, the School would make every effort to keep his or her identity secret. If it were necessary for anyone investigating the concern to know the individual's identity, this would be discussed with him or her.

Staff are not encouraged to make disclosures anonymously, as the ensuing investigation may be more difficult or impossible, in that further information cannot be obtained; it is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity should be revealed should discuss this with the Principal or Head, so that appropriate measures can subsequently be taken to preserve confidentiality. Any individual left in doubt can seek advice from Public Concern at Work, the independent whistleblowing charity, which offers a confidential helpline; their contact details are set out above.

If any evidence of criminal activity should arise, the Police will be informed in all cases.

RAISING A WHISTLEBLOWING CONCERN

Any member of staff or volunteer is at liberty to raise a whistleblowing concern with the Principal or Head.

A meeting will be arranged with the individual as soon as possible to discuss his or her concern, at which he or she may be accompanied by a colleague or union representative; the latter must respect the confidentiality of the disclosure and any subsequent investigation. The individual may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Any matter brought forward will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The individual will be kept informed as to progress and, whenever possible and subject to third-party rights, will be advised as to the resolution. However, sometimes the need for confidentiality may prevent the School from providing specific details of the investigation or any disciplinary action taken as a result. The individual should treat any information about the investigation as confidential.

If the individual is not satisfied that his or her concern is being properly dealt with, he or she will have the right to raise it in confidence with the Governing Body.

EXTERNAL PROCEDURES

Once 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 / Conwy SSD Area Manager (should the disclosure relate to a child protection issue).

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances in which a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:

- that exceptionally serious circumstances justify it;
- that the School would conceal or destroy the relevant evidence;
- that he or she would be victimised by the School.

MALICIOUS ACCUSATIONS

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

PROTECTION FROM REPRISAL OR VICTIMISATION

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that he or she does so in good faith and in line with the whistleblowing procedures.

This policy is subject to review on an annual basis; however, it may require earlier revision in the light of any regulatory change which may come into force in the interim.

Last reviewed by KW:	October 2020
Next review:	October 2021