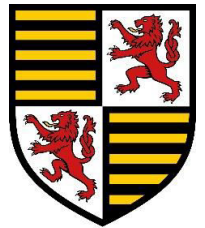


# WARMINSTER SCHOOL



1707

## WHISTLEBLOWING POLICY

Date of Latest Review:	1 January 2023
Responsible Person:	HR Manager (Bursar)
References:	Employment Act 2008 Employment Rights Act 1996 Whistleblowing Protection Act 2010 Chartered Institute of Personnel & Development ISBA ISI

### I INTRODUCTION

It is Warminster School's policy to conduct all of its business in an honest and ethical manner. The School has adopted this policy and the accompanying procedure on whistle blowing 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 or unethical conduct. The policy also provides if necessary, for such concerns to be raised outside the organisation. Warminster School will comply with the Whistleblowing Protection Act 2010 in respect of its conduct both at home and abroad.

### 2. GENERAL PRINCIPLES

- **Fairness:** The application of this policy will be consistent, prompt, impartial, reasonable and applied without discrimination.
- **Confidentiality:** Information relating to an allegation of wrongdoing should not be divulged to any parties not involved in the investigation process. Statements, letters and other communications will be strictly confidential to those involved in the procedure and records will be kept in accordance with the Data Protection Act 2018/UK GDPR,
- **Equal opportunities:** This policy will be applied without any distinction as to sex or gender assignment, age, sexual orientation, marriage and civil partnership status, race, ethnic or national origin, colour, creed, disability, religion or belief, political belief, membership of or activities as part of a trade union, or social or economic status.
- **Amendments:** If the School amends the procedure from time to time, the employee will be given advance notice of the amendments.
- **Allegation:** If an employee makes an allegation against the school or a member of the school staff using the protection of the Whistleblowing Protection Act 2010, any subsequent investigation will take place under the Disciplinary Policy and Procedures.

## **2.1 Elements of the Policy**

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, the School's policy on whistle blowing is intended to demonstrate that the School :-

- Will not tolerate malpractice;
- 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;
- Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

## **3. PROCEDURES**

This procedure is separate from the School's adopted procedures regarding grievances. Employees should not use the whistle blowing procedure to raise grievances about their personal employment situation.

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

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.

### **3.1 Confidentiality**

Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity then the Police will be informed in all cases.

### **3.2 The Investigation**

A member of staff will be at liberty to express their concern to the Head or Deputies of Warminster School, the Head of Prep or the Bursar.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the Resolution.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Governors.

### **3.3 External Procedures**

Where all internal procedures have been exhausted, a member of staff shall have a right of access to the Governors.

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;
- the Secretary of State has ordered it.

### **3.4 Malicious Accusations**

For a concern to be a 'qualifying disclosure' protected by the Whistleblowing Policy, it must be made 'in the public interest'.

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

### **3.5 Protection from Reprisal or Victimisation**

No member of the staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern that falls within the qualifying disclosure require of being 'in the public interest', providing that they do so following the Whistle blowing procedures.

There will be a reduction in any compensation offered if the disclosure is not made 'in good faith'.

**KM2023**