

WHISTLEBLOWING POLICY



1. Introduction

1.1 This whistleblowing procedure must be read and applied in conjunction with the Staffing Policy Statement and Safeguarding policy.

1.2 The aim of this procedure is to set out how The Stowe Group will deal with concerns raised by colleagues which relate to suspected wrongdoing or dangers at work.

1.3 Allegations of child abuse against teachers and other colleagues and volunteers will be dealt with in accordance with 'Keeping Children Safe in Education - statutory guidance for schools and colleges'.

2. Background

2.1. As colleagues may be the first to realise that there may be something wrong within The Stowe Group, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect colleagues, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

2.2. The Stowe Group is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, colleagues, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This procedure makes it clear that colleagues can do so without fear of reprisals. It is intended to encourage and enable colleagues to raise serious concerns within The Stowe Group rather than overlooking a problem or alerting anyone external to The Stowe Group.

3. Aims of the Procedure

3.1 This procedure aims to:

- Provide avenues for colleagues to raise concerns internally as a matter of course and receive feedback on any action taken
- Provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously and treated consistently and fairly
- Reassure colleagues that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern
- Allow colleagues to take the matter further if they are dissatisfied with The Stowe Group's response.

3.2 A whistle-blower is a person who raises a genuine concern relating to the matters listed below. If colleagues have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this procedure.

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

- Criminal activity

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- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirements
- Bribery
- Financial fraud or mismanagement
- Negligence
- Breach of our internal policies and procedures
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- Public examination fraud
- The deliberate concealment of any of the above matters
- Inappropriate or harmful conduct towards a child (or children) including: bullying, humiliation or any other kind of abuse
- Contravening health and safety guidelines in place to protect children
- Serious breaches of the relevant School's Staff Code of Conduct
- Professional practice that falls short of normally accepted standards
- Compromising pupils' welfare in a way that does not meet the threshold for child protection Intervention.

3.3 Before initiating the procedure, colleagues should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all colleagues
- Colleagues should use their line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, you must act to prevent an escalation of the problem and to prevent themselves being potentially implicated
A disclosure will not be protected unless the colleague reasonably believes that the disclosure is made in the public interest.

3.4 This procedure should not be used for complaints about a colleague's personal circumstances, such as the way they have been treated at work. In these cases, a colleague should use the relevant School's grievance procedure (or anti-harassment and bullying policy as appropriate).

4 Safeguards

4.1 Harassment or Victimisation

4.1.1 The Stowe Group 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. The Stowe Group will not tolerate harassment or victimisation and will act to protect colleagues when they have a genuine concern.

4.1.2 This does not mean that if a colleague is already the subject of internal procedures, such as disciplinary or redundancy, that those procedures will be halted as a result of a colleague raising a concern under the whistleblowing procedure.

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4.2 Confidentiality

4.2.1 The Stowe Group hopes that colleagues will feel able to voice whistleblowing concerns openly under this procedure. The relevant School will make every effort to protect a colleague's identity if confidentiality is requested.

4.2.2 As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the colleague to be named as the source of the information, then this will be discussed with the colleague before their name is disclosed.

4.3 Anonymous Allegations

4.3.1 Colleagues are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the relevant School. In exercising discretion, the factors to be considered would include: – the seriousness of the issues raised – the credibility of the concern – likelihood of confirming the allegation from attributable sources. We encourage anonymous reporting over remaining silent. Although we will investigate any concern that is reported anonymously as best we can, an anonymous report is likely to be more difficult for us to investigate and we will not be in a position to provide you with any feedback.

4.4 Untrue Allegations

4.4.1 If a colleague makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that colleague. If, however, we conclude that a colleague has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that colleague.

4.5 Unfounded Allegations

4.5.1 Following an investigation, allegations may be confirmed as unfounded. This outcome will be notified to the colleague who raised the concern, who will be informed that the relevant School deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support for Colleagues

4.6. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the colleague/s raising the concerns and any colleague/s subject to investigation. The Stowe Group engages a 3rd party confidential service in Smart Clinic, who provide an Employee Assistance Programme available to all colleagues to support you as you may feel is needed (they can be contacted 24 hours a day at 0845 862 2113 quoting Smart Clinic).

5. Raising a Concern

5.1 As a first step, a colleague should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if a colleague believes that their immediate manager or their manager's superior is involved, they should approach a member of the Executive Leadership Team.

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5.2 A colleague (including the Executive Leadership Team) can by-pass the direct management line and the Board of Governors if they feel the overall management and Board of Governors is engaged in an improper course of action. In this case, please refer to section 8 below.

5.3 Concerns are better raised in writing. The colleague should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If a colleague does not feel able to put the concern in writing, they should telephone or meet the appropriate person. However, it is important that when the concern is raised, the colleague makes it clear that they are raising the issue via the whistleblowing procedure.

5.4 The earlier a colleague expresses the concern, the easier it is to act.

5.5 Although a colleague is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.6 In some instances, it may be appropriate for a colleague to ask a trade union representative to raise a matter on the colleague's behalf.

5.7 At each meeting under this procedure, the colleague may bring a work colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

5.8. If the concern is regarding a child (or children) the issue should be raised with the DSL.

5.9 If you have a safeguarding concern in which a colleague is involved, the whistle-blower must raise it with the Head and/or DSL immediately.

5.10 If you wish to remain anonymous we may not be able to take the claim further if you have not provided all the information they need. We will make every effort to protect your identity but this may not be possible in all cases.

5.11 If at any time you report your concern to the media, in most cases you'll lose your whistleblowing legal rights.

6. The Role of Senior Managers

6.1 A senior manager may be informed by a colleague about concern/s and that they are "blowing the whistle" within the procedure in person or in writing or over the phone.

6.2 The senior manager should respond immediately and arrange for a stage 1 meeting to take place with the colleague as soon as is practical. If a concern is raised during a school holiday the relevant School will look to arrange the meeting as soon as available personnel are available.

6.3 Stage 1:

6.3.1 At the initial meeting the Head/a member of the Executive Leadership Team or Senior Leadership Team (as appropriate) establish that:

- There is genuine cause and sufficient grounds for the concern
- The concern has been appropriately raised via the whistleblowing procedure

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6.3.2 The manager conducting this meeting should ask the colleague, to put their concern/s in writing, if they have not already done so. If the colleague is unable to do this, the manager will take down a written summary of their concern/s and provide them with a copy after the meeting. The manager should make notes of the discussions with the colleague. The colleague's letter and/or manager's notes should make it clear that the colleague is raising the issue via the whistleblowing procedure and provide:

- The background and history of the concerns
- Names, dates and places (where possible)
- The reasons why the colleague is particularly concerned about the situation

6.3.3 The colleague should be asked to date and sign their letter and/or the notes of any discussion. The manager should positively encourage the colleague to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

6.3.4 The manager should follow the policy as set out above and in particular explain to the colleague:

- Who they will need to speak to in order to determine the next steps
- What steps they intend to take to address the concern
- How they will communicate with the colleague during and at the end of the process. It should be noted that the need for confidentiality may prevent the School from giving the colleague specific details of any necessary investigation or any necessary disciplinary action taken as a result
- That the colleague will receive a written response within 10 working days
- That their identity will be protected as far as possible, but should the investigation into the concern require the colleague to be named as the source of the information, that this will be discussed with the colleague before their name is disclosed
- That the relevant School will do all that it can to protect the colleague from discrimination and/or victimisation
- That the matter will be taken seriously and investigated immediately
- That if the colleague's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them
- If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them
- The investigation may confirm their allegations to be unfounded in which case the relevant School will deem the matter to be concluded unless new evidence becomes available

6.4 Stage 2:

6.4.1 Following the initial meeting with the colleague, the manager should consult with the Head/Executive Leadership (as appropriate) to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Head/Executive Leadership Team (as appropriate) should take the following factors into account:

- The seriousness of the issue/s raised
- The credibility of the concern/s
- The likelihood of confirming the allegation/s from attributable sources

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6.4.3 In some cases, it may be possible to resolve the concern/s simply, by agreed action or an explanation regarding the concern/s, without the need for further investigation. However, depending on the nature of the concern/s it may be necessary for the concern/s to:

- Be investigated internally
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

6.4.4 Senior managers dealing with whistleblowing cases should have a working knowledge and understanding of other The Stowe Group procedures, e.g. grievance, disciplinary, harassment and child protection procedures, to ensure that concerns raised by colleagues are addressed via the appropriate procedure.

6.5 Stage 3:

6.5 Within 10 working days of a concern being received, the senior manager receiving the concern (at paragraph 6.1 above) must write to the colleague:

- Acknowledging that the concern has been received
- Indicating how they propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the colleague whether any initial enquiries have been made
- Telling the colleague whether further investigations will take place and, if not, why not
- Letting the colleague know when they will receive further details if the situation is not yet resolved

7. Conclusion

7.1 If the individual raising the matter is concerned that the responsible officer has failed to make a proper investigation or has failed to report the outcome of the investigation to the Head or to the Chair of Governors, he/she should contact the Head or Chair of Governors directly.

7.2 The Head or Chair of Governors will arrange for another senior officer to review the investigation carried out, make any necessary further enquiries and make his/her own report directly to the Head or Chair of Governors. The individual raising the issue will be appraised of the outcome.

7.3 Any approach to the Head or Chair of Governors above will be treated in the strictest confidence and the individual's identity will not be disclosed without his/her prior consent.

8. Raising Concerns Outside the School

8.1 The aim of this procedure is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases, the colleague should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the colleague to report their concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Colleagues are strongly encouraged to seek advice before reporting a concern to anyone external. If a colleague is not satisfied with the relevant School's response, the senior manager dealing with the case should ensure that they are made aware with whom they may raise the matter externally:

- 'Protect' – 020 3117 2520*
- Recognised trade union

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- External auditor
- Relevant professional bodies or regulatory organisations
- Solicitor
- HM Revenue & Customs
- the Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- the Environment Agency
- Director of Public Prosecutions
- Serious Fraud Office
- Disclosure & Barring Service
- Department for Education; Teaching Regulations Agency

*Protect is a registered charity that colleagues can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

Further information on external bodies you can contact can be found on [GOV.UK](https://www.gov.uk).

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Colleagues can call 0800 028 0285 or email help@nspcc.org.uk.

8.2 The senior manager dealing with the case should stress to the colleague that if they choose to take a concern outside the relevant School, it is the colleague's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

STATUS OF POLICY

This policy is not intended to form part of a colleague's contract of employment and The Stowe Group reserves the right to amend it at any time. This policy and procedure will be monitored by line management and reviewed annually by the People Department.

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20 th Oct 2021	2	Jaime Chahal	
2 November 2022	3	Jaime Chahal	Annual review
24 August 2023	4	Jaime Chahal	Annual review
October 2023	5	Jaime Chahal	Updates to reflect anonymity based on Gov.uk
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