



# Whistleblowing Policy

Policy date:	October 2022
Date of next review:	October 2023
Owner:	Deputy Bursar
SLT Committee responsible:	-
Intended audience:	All staff
Location:	School Portal and website

## **1. Introduction**

- 1.1 The School's governing body is committed to creating a culture of conducting its business with honesty and integrity and expects all staff to maintain high standards and report any concerns. However, all organisations face the risk of things going wrong from time to time, or of illegal or unethical conduct unknowingly taking place. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The School has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, a failure to comply with legal obligations, inappropriate behaviour or unethical conduct. Whistleblowing at Haileybury is encouraged, not penalised and staff have a duty to report any such concerns.
- 1.3 The policy also provides, if necessary, for such concerns to be raised outside the organisation.
- 1.4 A separate whistleblowing policy applies to malpractice and maladministration in exams. This is attached at Appendix A.

## **2. Aims**

- 2.1 The School's policy on whistleblowing is intended to demonstrate that it:
  - will not tolerate malpractice;
  - encourages staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate;
  - 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 only invoke the School's disciplinary procedure in the case of false, malicious, vexatious or frivolous allegations. The policy seeks to reassure staff that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken; and
  - will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

## **3. Scope of this policy**

- 3.1 This procedure is separate from the School's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise concerns relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the School's Grievance Procedures should be used, as appropriate. If you are uncertain whether something is within the scope of this procedure you should first seek advice from your line manager or from the HR Department.
- 3.2 This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School.
- 3.3 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 (negligence).

- 3.4 A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the School. If you have any genuine concerns related to suspected malpractice affecting any of the School's activities (a whistleblowing concern) you should report it under this procedure.
- 3.5 If staff and volunteers feel unable to raise an issue with the School or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:
- Protect, an independent whistleblowing charity, previously known as Public Concern at Work (helpline: 020 3117 2502, email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk), website: <https://protect-advice.org.uk/>).
  - The NSPCC whistleblowing helpline (telephone: 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

#### **4. Confidentiality**

- 4.1 We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.
- 4.2 If there is evidence of criminal activity then the police will be informed.
- 4.3 We do not encourage staff to make disclosures anonymously. 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. Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Master, the Deputy Master, or the Bursar and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out above.

#### **5. Raising a whistleblowing concern**

- 5.1 We hope that in most cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Master, Deputy Master or Bursar.
- 5.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you may raise a whistleblowing concern to the Master, Deputy Master or the Bursar directly. If you feel unable to approach the Master, the Deputy Master or the Bursar directly, then you may contact the Chair of Governors. Contact with the Chair of Governors is made via the Deputy Bursar ([c.mills@haileybury.com](mailto:c.mills@haileybury.com)).
- 5.3 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this procedure. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.
- 5.4 Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. You will be kept informed of the progress of the investigation and its likely timescale. Whenever possible and subject to third party rights, you will be informed

of the resolution. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

- 5.5 If you are not satisfied that your concern is being properly dealt with, you will have a right to raise it in confidence with the School's governing body (Council). Contact with the governors can be made via the Deputy Bursar as above. Alternatively, you can follow the external procedures below.

## **6. External procedures**

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in school. In most cases you should not find it necessary to alert anyone externally.
- 6.2 However, where all internal procedures have been exhausted, a member of staff has 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 (where the disclosure relates to a child protection issue).
- 6.3 It will very rarely, if ever, be appropriate for you to alert the media.
- 6.4 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:
- i. the individual reasonably believes that exceptionally serious circumstances justify it;
  - ii. the individual reasonably believes that the School would conceal or destroy the relevant evidence;
  - iii. the individual reasonably believes they would be victimised by the School; or
  - iv. where the Secretary of State has ordered it.
- 6.5 We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

## **7. Malicious accusations**

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

## **8. Protection from reprisal or victimisation**

- 8.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 8.2 No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the Whistleblowing procedures. If you believe that you have suffered any such treatment, you should inform the Master, the Deputy Master or Bursar immediately. If the matter is not remedied, you may raise it formally using the School's Grievance Procedures.
- 8.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

## **Appendix A**

### **Whistleblowing Policy - Examinations**

#### **1. Introduction**

- 1.1 Whistleblowing at Haileybury is encouraged, not penalised, and staff are made aware that they have a duty to report any concerns they have about the conduct of examinations.
- 1.2 The Head of Centre and governing board at Haileybury aim to create and maintain an approach to examinations that reflects an ethical culture, and encourages staff and students to be aware of and report practices that could compromise the integrity and security of examinations.
- 1.3 In compliance with section 5.11 of the JCQ's General Regulations for Approved Centres 1 , Haileybury will:
  - 1.3.1 take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after assessments have taken place;
  - 1.3.2 inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation; and
  - 1.3.3 as required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication "Suspected Malpractice: Policies and Procedures" and provide such information and advice as the awarding body may reasonably require.
- 1.4 This policy sets out the whistleblowing procedures at Haileybury. It has been produced by the Deputy Head (Academic) who is also a member of the Senior Leadership Team and responsible for handling any cases of whistleblowing relating to examinations. They are fully aware of the contents of this policy and will escalate any instances of malpractice to the relevant awarding body/bodies.
- 1.5 This policy also sets out the principles which allow members of centre staff and students to feel confident in reporting instances of actual, alleged or suspected malpractice to relevant members of senior leadership.

#### **2. Purpose of the policy**

- 2.1 This policy:
  - 2.1.1 encourages individuals to raise concerns, which will be fully investigated by appropriately trained and experienced individuals;
  - 2.1.2 identifies how to report concerns;
  - 2.1.3 explains how such concerns will be investigated and sets expectations regarding the reporting of outcomes;
  - 2.1.4 provides details of relevant bodies to whom concerns about wrongdoing can be reported, including awarding organisations and regulators;
  - 2.1.5 includes a commitment to do everything reasonable to protect the reporter's identity, if requested;
  - 2.1.6 sets out how those raising concerns will be supported.

- 2.2 This policy also details the steps that could be taken by an individual involved in the management, administration and/or conducting of examinations if Haileybury fails to comply with its obligation to report any alleged, suspected or actual incidents of malpractice or maladministration.

### **3. The Whistleblower**

- 3.1 A whistleblower is defined as a person who reports an actual or potential wrongdoing and is protected by the Public Interest Disclosure Act 1998, providing they are acting in the public interest.
- 3.2 If the person raising the issue is a worker, this will be considered as whistleblowing. This includes agency staff and contractors.

### **4. Reporting**

- 4.1 If a member of centre staff involved in the management, administration and/or conducting of examinations (such as exams officer, exams assistant or invigilator), a student or a member of the public (such as a parent/carer) has a concern or reason to believe that malpractice has or will occur in an examination or assessment, concerns should normally be raised initially with the Deputy Head (Academic).
- 4.2 However, there may be times when it may be more appropriate to refer the issue direct to the Head of Centre, or the governing board (when the allegation is against the Head of Centre themselves).

### **5. Examples of malpractice**

- 5.1 In addition to the centre wide Whistleblowing Policy, this exams-specific policy, includes reference to exams-related breaches including, but not limited to, the following:
- 5.1.1 Failure to comply with exam regulations as set out by the Joint Council for Qualifications (JCQ) and its awarding bodies;
  - 5.1.2 A security breach of the examination paper;
  - 5.1.3 Conduct of centre staff which undermines the integrity of the examination;
  - 5.1.4 Unfair treatment of candidates by either giving an advantage to a candidate/group of candidates (e.g. by permitting a candidate an access arrangement which is not supported by appropriate evidence), or disadvantaging candidates by not providing access to the appropriate conditions (providing a 'level playing field');
  - 5.1.5 Possible fraud and corruption (e.g. accessing the exam paper prior to the exam to aid teaching and learning);
  - 5.1.6 Abuse of authority (e.g. the Head of Centre/members of the Senior Leadership Team overriding JCQ and awarding body regulations);
  - 5.1.7 Other conduct which may be interpreted as malpractice/maladministration.

### **6. Whistleblowing procedure**

- 6.1 If the individual does not feel safe raising the issue/reporting malpractice within the centre, or they have done so and are concerned that no action has been taken, that individual could consider making their disclosure to a malpractice expert at the awarding body for the qualification where malpractice is suspected.

- 6.2 For members of centre staff, it is likely that the Public Interest Disclosure Act (PIDA) offers you legal protection from being dismissed or penalised for raising certain serious concerns ('blowing the whistle').
- 6.3 In order to investigate concerns effectively, the awarding body should be provided with as much information as possible/is relevant, which may include:
- 6.3.1 the qualifications and subjects involved;
  - 6.3.2 the centre involved;
  - 6.3.3 the names of staff/candidates involved;
  - 6.3.4 the regulations breached/specific nature of suspected malpractice;
  - 6.3.5 when and where the suspected malpractice occurred;
  - 6.3.6 whether multiple examination series are affected;
  - 6.3.7 if the issue has been reported to the centre and what the outcome was;
  - 6.3.8 how the issue became apparent.
- 6.4 Members of the public are not protected by PIDA, but the awarding body will make every effort to protect their identity if that is what they wish, unless the awarding body is legally obliged to release it.
- 6.5 Alternatively, a worker could consider making a disclosure to Ofqual as a prescribed body for whistleblowing to raise a concern about wrongdoing, risk or malpractice.

## **7. Anonymity**

- 7.1 In some circumstances, the whistleblower might find it difficult to raise concerns with the nominated member of the Senior Leadership Team. If a concern is raised anonymously, the issue may not be able to be taken further if insufficient information has been provided. In such instances, and if appropriate, the allegation may be disclosed to a union representative, who could then be required to report the concern without disclosing its source. Alternatively, whistleblowers or others with concerns about potential malpractice can report the matter direct to Ofqual, who is identified as a 'prescribed body'.
- 7.2 Awarding organisations are not prescribed bodies under whistleblowing legislation; however, awarding organisation investigation teams do give those reporting concerns the opportunity for anonymity.
- 7.3 A whistleblower can give their name, but may also request confidentiality; the person receiving the information should make every effort to protect the identity of the whistleblower.

## **8. Pupils**

- 8.1 Pupils at Haileybury are made to feel comfortable discussing/reporting malpractice issues of which they are aware. The regulations surrounding their assessments, and wider academic integrity, will be reiterated to students who are undertaking, or who are about to undertake, their courses of study.

<b>Version history</b>		
<b>Date</b>	<b>Reviewed by</b>	<b>Notes</b>
January 2022	SLT	New ISBA template adopted and approved
October 2022	CM / SJMC	Updated to incorporate JCQ recommended template on whistleblowing relating to examinations.