



Whistleblowing Policy

Introduction

A 'whistle-blower' is someone raising a genuine concern, in good faith about anything from an oversight to a deliberate act that might be illegal. Haileybury's Council would like Haileybury to have a culture of openness, where feedback is easy, encouraged and leads to a response that benefits pupils and staff alike.

Haileybury is a community committed to high standards of individual and professional conduct. Haileybury's leadership encourages approachability, open dialogue and reflective practice.

Haileybury has adopted this policy and the accompanying procedures on whistleblowing to enable members of staff (including coaches, volunteers and contractors) to raise concerns internally and in a confidential fashion. These concerns might be acts committed by fellow members of staff, unethical conduct, and faults in College procedures or oversights which should be rectified.

This policy sets out the way in which individuals may raise concerns within the Haileybury management structure, formally and informally, and how those concerns will be dealt with. It also sets out various avenues that individuals might choose to use to raise these concerns outside Haileybury.

Haileybury is and will continue to be a community that values staff who raise concerns.

If any individual has a concern regarding a Child Protection issue then the Haileybury Child Protection and Safeguarding Policy should be referred to as this sets out the best avenues for such concerns to be raised. Such concerns might involve going directly to the Hertfordshire Safeguarding Children Board (HSCB) or the police. In all situations the best interests of an individual child should be considered. Complainants wishing to register formal concerns should follow the procedures referred to on pages 4 and 5 unless the concern relates to Safeguarding when the advice laid down in Haileybury's Safeguarding Policy takes precedence. The National Society for the Prevention of Cruelty to Children (NSPCC) whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can telephone 0800 028 0285 (8:00am to 8:00pm Monday to Friday) or email: help@nspcc.org.uk

Background

Haileybury welcomes the law that provides protection for all workers who raise legitimate concerns about specific matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one 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 of financial fraud
- an act causing damage to the environment
- a breach of any other legal obligation
- a breach of data regulations, e.g. GDPR
- concealment of any of the above

It is not necessary for the member of staff to have proof that such an act is being, has been or is likely to be committed - a reasonable belief is sufficient as the act may be an oversight rather than a deliberate action. The member of staff has no responsibility for investigating the matter. It is Haileybury's responsibility to ensure that an investigation takes place.

A member of staff who makes such a disclosure i.e. a protected disclosure, has the right not to be dismissed, subjected to any other detriment, or victimised because he/she has made a disclosure.

Haileybury encourages members of staff to raise their concerns within the Haileybury management structure in the first instance. If a member of the teaching staff is not sure whether to raise a concern, they should discuss this issue informally with a member of the Senior Leadership Team (SLT), the President of Common Room or with the Human Resources Department in confidence. If a member of the support staff is not sure whether to raise a concern, they should discuss this issue informally with a senior manager or with the Human Resources Department in confidence.

Principles

The key principles which underpin the Whistleblowing Policy are:

- Haileybury will not tolerate malpractice.
- Members of staff should be aware of the importance of preventing and eliminating malpractice within Haileybury.
- Staff should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Haileybury has a clear and simple procedure for raising such concerns, which is accessible to all members of staff.
- Haileybury respects the confidentiality of staff raising concerns (see Note 1).
- Haileybury provides the opportunity to raise concerns outside of the normal line management structure.
- Any matter raised under this procedure will be investigated thoroughly and as promptly as is practicable.
- If misconduct is discovered as a result of any investigation under this procedure, Haileybury's disciplinary procedure will be used, in addition to any appropriate external measures; appropriate details in respect of the outcome of the investigation will be reported back to the member of staff who raised the concern.
- An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff should not agree to remain silent. They should raise the matter with a member of the Senior Leadership team or with Human Resources.

Scope

This procedure applies to Haileybury staff but also includes coaches, volunteers and those contractors working for Haileybury on College premises. It also covers those providing services under a contract with Haileybury.

Training and induction

All staff will be provided with the Whistleblowing Policy at their induction. Current staff will be reminded annually that it can be found in the relevant Staff Handbook and on the College website. Contractors and volunteers have access to the whistleblowing policy on the College website.

Procedures

This procedure is to enable members of staff to express legitimate concerns. These concerns could relate to suspected malpractice or regulatory oversights at Haileybury. Malpractice is not easily defined, however, it includes: safeguarding concerns; allegations of fraud; financial irregularities or mismanagement; corruption; bribery; dishonesty; negligence; acting contrary to the staff code of ethics; criminal activities or failing to comply with legal, professional or regulatory obligations; a miscarriage of justice; creating or ignoring a serious risk to health, safety or the environment; unauthorised disclosure of confidential information; conduct that could damage the College's reputation; or the deliberate concealment of any of the above.

This procedure is separate from the College's adopted procedures regarding grievances. Members of staff should not use the Whistleblowing procedure to raise grievances about their personal employment situation.

Concerns may be raised verbally; however all staff are encouraged to report their concerns in writing. The report should:

- set out the background and history of the concern
- give relevant names, dates and places, where possible
- state the reason why the situation is of concern

Complainants making an allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution. The complainant has the right to escalate their concern to another stage or to contact a relevant external body (see Whistleblowing Stage 4) if:

- they are not satisfied that their concern is being properly dealt with
- they do not receive a response detailing steps being taken to investigate their disclosure within seven days of their concern being acknowledged
- extreme circumstances dictate (see Note 3).

Complainants are not expected to prove the truth of allegations; however they are required to demonstrate that there are sufficient grounds for concern. Any concern raised will be investigated thoroughly, in a timely manner, and appropriate corrective action will

be pursued. The investigation may involve the member of staff who has made the allegation and other individuals involved giving written statements.

Appropriate steps will be taken to ensure that the working environment and working relationships of any member of staff who makes an allegation are not prejudiced by the fact of their disclosure (see Note 2). Provided that Haileybury's Whistleblowing procedure is used appropriately and correctly by the complainant they will not suffer any detriment as a result of reporting the wrongdoing. A failure to follow this procedure may however make the disclosure unreasonable and the protection given to the member of staff by this procedure may be lost.

The Human Resources (HR) Department are responsible for organising support for any vulnerable staff that has made disclosures of concern. Where dispute resolution or mediation is necessary appropriate support will be put in place.

The Deputy Clerk to the Governors will keep a register of any concern raised under the College's Whistleblowing Policy. These will be reported to the Council annually. The Chair of Council will be kept informed, by the Clerk to the Governors, of the progress of any major concerns raised under the Whistleblowing Policy including their outcome. Where a major concern has been disclosed, investigated and found to have substance the relevant external body will be contacted and informed by the Council.

Malicious, vexatious or frivolous false allegations will understandably be dealt with under Haileybury's Disciplinary Procedure.

How a concern should be raised:

If malpractice in the workplace is suspected:

- the individual/s about whom a concern is raised should not be approached or accused directly;
- the complainant should not attempt to investigate the matter themselves. As a first step, the concern should be reported to one of the people listed in Stage 1 below.

As previously mentioned on page 1, complainants wishing to register formal concerns should follow the procedures below unless the concern relates to Safeguarding when the advice laid down in Haileybury's Safeguarding Policy takes precedence. The National Society for the Prevention of Cruelty to Children (NSPCC) whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can telephone 0800 028 0285 (8:00am to 8:00pm Monday to Friday) or email: help@nspcc.org.uk

Any concern raised will be investigated thoroughly, in a timely manner, and appropriate corrective action will be pursued. This may take longer than seven days however.

A complainant can contact an external agency at any stage (see Stage 4 and Notes 3 and 4)

Stages in Raising a Concern

Stage 1

Initially formal concerns should be raised with one of the following:

- The Deputy Master
- The Deputy Head (Academic)
- Deputy Head (Co-Curricular)
- The Senior Master
- The DSL
- The Financial Controller & Deputy Bursar
- The Estates Bursar
- Head of Human Resources

The complainant can expect a response within seven days of the disclosure being acknowledged to inform them to whom the disclosure has been notified and/or to inform them of the steps being taken to investigate their disclosure.

If the concern relates directly to one of the individuals listed above then the concern should be reported directly to the Master or Bursar (i.e. directly to Stage 2).

If the concern relates to the Master or Bursar the Chair of Governors, Mr Alan Pilgrim, should be contacted. Alan can be contacted via the Deputy Clerk to the Governors, Catrin Mills by phone: 01992 706497 or by email c.mills@haileybury.com

Stage 2

If no response is forthcoming after seven days or the complainant is not confident that their concern is being properly dealt with, they have the right to notify the Master or Bursar, as appropriate. The complainant can expect a response within seven days of the Master or Bursar becoming aware of the disclosure.

Stage 3

If no response is forthcoming after seven days from the Master or Bursar or the complainant is not confident that their concern is being properly dealt with they are entitled to notify the Chair of Governors using the information above.

Stage 4 (See Notes 3 and 4)

If after exhausting the internal procedures set out above the complainant remains dissatisfied with the way in which their concerns have been dealt with, they should contact the relevant agency below:

- Hertfordshire Children, Schools and Families (HCSF): Phone 0300 123 4043.
- The Hertfordshire Safeguarding and Children Board (HSCB) <http://www.hertssafeguarding.org.uk/>.
- The NSPCC (see page 4)
- The Police (999 if an emergency or 101 to report a concern or seek advice).
- The Channel Police Practitioner for issues to do with Radicalisation – Hertfordshire: Chair: 01992 555034; Customer Services: 01438 737275).
- The Health and Safety Executive: <http://www.hse.gov.uk>
- Haileybury's external auditors: <https://www.haysmacintyre.com/>
- The Independent Schools Inspectorate (ISI): <http://www.isi.net/contact>
- The Information Commissioner: <https://ico.org.uk/>; (0303 123 1113)
- The Charity Commission: <https://www.gov.uk/government/organisations/charity-commission>
- The Environment Agency: <https://www.gov.uk/government/organisations/environment-agency>
- The Department for Education (DfE): <https://www.gov.uk/government/organisations/department-for-education>
- The Fundraising Regulator: <https://www.fundraisingregulator.org.uk/>
- Public Concern at Work (in independent whistleblowing charity): PCAW Helpline: 020 7404 6609; E-mail: whistle@pcaw.co.uk; Website: www.pcaw.co.uk.

Additional guidelines on whistleblowing issued by the government can be found at: <https://www.gov.uk/whistleblowing>.

Notes:

1. Confidentiality

Members of staff who wish to raise a concern under this procedure are entitled to have the matter treated confidentially insofar as possible. The College will make every effort to keep the member of staff's identity confidential. If it is necessary for anyone investigating the concern to know the member of staff's identity, this will be discussed with the member of staff in advance. Haileybury does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the College cannot obtain further information from the member of staff and anonymity may also make it more difficult to establish whether any allegations are credible. Members of staff who are concerned about possible reprisals if their identity is revealed should make this known when raising their concerns.

2. Protection from Reprisal or Victimisation

No member of the staff will be victimised or be disciplined for raising a genuine and legitimate concern under this procedure. This means that continued employment and opportunities for future promotion or training will not be prejudiced because he/she has raised a genuine and legitimate concern.

All individuals within Haileybury should be able to carry out their work in line with the relevant Staff Handbook and all legal obligations in an environment free from persecution or bullying.

Victimisation of a member of staff for raising a genuine and legitimate concern will be a disciplinary offence. If you, as a whistleblower, believe that you have suffered any such treatment, you should inform the Master (or where relevant the Chair of Governors) directly. You may also raise the issue using the College's Grievance Procedure. Other members of staff must not threaten or retaliate against whistleblowers in any way, during or following an investigation and its conclusion. If any individual is found to be involved in any such conduct they will be subject to appropriate disciplinary action.

3. Extreme Circumstances

Members of staff have the right to raise a concern directly with a relevant and appropriate outside body without first having followed the stages above. This action should only be taken in extreme circumstances and after careful thought.¹The College will consider extreme circumstances exist where the member of staff has a reasonable belief that: the College will subject them to detriment if they inform any of the listed individuals or if they feel a cover-up is being mounted by the College; or a disclosure made previously to one of the listed individuals has not prompted a satisfactory response.

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 individual reasonably believes:

- that exceptionally serious circumstances justify it;
- that Haileybury would conceal or destroy the relevant evidence;
- where they believe they would be victimised by Haileybury;
- where the Secretary of State has ordered it.

4. The media or other commercial bodies

Even where extreme circumstances are thought to exist, the complainant should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If the complainant approaches any such body to disclose their concerns (unless that body is listed in stage 4 of this policy and for the reasons as listed in point 3 above from the Public Interest Disclosure Act, 1998) the College may consider this to be gross misconduct and immediate disciplinary action may be taken against the member of staff.

Queries

If any member of staff has any queries about this procedure they are encouraged to contact the Human Resources Department.

Related Documents

1. Safeguarding Children and Child Protection Policy
2. Grievance Procedure
3. Complaints Procedure

Reviewed by the Personnel Committee of the Governors, November 2016

Updated September 2017 by ERLB

Updated June 2018 by ERLB

Reviewed SLT June 2018

¹ Any whistleblowing concern related to a Child Protection or Safeguarding matter must be reported to the appropriate body (see Page 4, NSPCC whistleblowing line).