




**MOUNT HOUSE
SCHOOL**

INSPIRING EVERY INDIVIDUAL

SCHOOL POLICIES

WHISTLEBLOWING

Review	Date	By
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1. Policy Statement

Mount House seeks to conduct its business honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the organisation, we believe we can help prevent such situations occurring.

This policy aims to provide workers with an avenue to raise concerns internally and receive feedback on any action taken. It demonstrates how workers can take the matter further if they are dissatisfied with the management response and reassures workers that they will be protected from harassment or victimisation from co-workers for raising concerns.

‘Whistleblowing’ is a term used to refer to the disclosure by workers of malpractice – internally or externally – as well as illegal acts, or omissions at work. The policy is intended to cover concerns which fall outside of the scope of policies that deal with standards of behaviour at work including disciplinary, grievance, bullying and harassment policies. Workers are encouraged to consider the relevant provisions in these policies as appropriate.

1.1 Mount House School is committed to the highest possible standards of openness, probity and accountability. In line with this commitment Mount House School encourages workers:

- a) To maintain high standards in accordance with our Staff Code of Conduct and to report any wrongdoing that falls short of these fundamental principles.
- b) To be vigilant.
- c) To inform Mount House School of legitimate concerns about any aspect of work of the School.

1.2 This will enable Mount House School to achieve the high standards to which it is committed, ensure management accountability and the commitment of staff to good practice across the organisation.

1.3 The Whistleblowing (Raising Concerns at Work) policy and procedure aims to:

- Encourage workers to feel confident in raising serious concerns and to question and act upon concerns.
- Provide avenues for workers to raise concerns and receive feedback on any action taken.
- Allow workers to take the matter further if they are dissatisfied with Mount House School 's response.
- Reassure workers that they will be protected from reprisals or victimisation for disclosing information in good faith.

2. Principles

- 2.1 Whistleblowing at Mount House School describes when a worker (employee, manager, governor, contractor, trainee, supply staff) or a group of workers raise a concern about malpractice or wrong-doing, or provide information, usually about illegal or dishonest practices within the School. The information, which should have come to the individual's attention through their work, is provided to Mount House School or a regulator.
- 2.2 Employees who ordinarily work in Great Britain are protected by the Public Interest Disclosure Act 1998 (PIDA). The legislation only protects employees who follow the procedures laid down in the legislation and who make a disclosure in good faith.
- 2.3 The Public Interest Disclosure Act 1998 (PIDA) protects a whistleblower if they raise a concern about wrongdoing internally and, in most cases, with an external regulator. Volunteers are not covered by the Public Interest Disclosure Act 1998 (PIDA) and therefore are not covered under this policy. However, if any volunteer has concerns they should raise them with their SLT member.

The concern must first be raised with Mount House School by the whistleblower. The only exception is when the employee believes evidence would be destroyed or they would be penalised.

The whistleblower must:

- have a genuine belief in the information being disclosed,
 - not make the disclosure for personal gain, and
 - show it is reasonable to make the disclosure.
- 2.4 Whistleblowers do not lose statutory protection because they are mistaken. The whistleblower will have protection as long as they have a 'reasonable belief' that malpractice has taken place, is taking place or is likely to take place. It does not matter if the belief actually turns out to be inaccurate or that the conduct would not constitute malpractice, as long as the whistleblower's belief is objectively reasonable.
- 2.5 What is covered by our Whistleblowing policy? A disclosure of information where the person reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to take place in the future is called a Qualifying Disclosure. This includes:
- A criminal offence

- Failure to comply with any legal duty / obligation
- A miscarriage of justice (or deliberate and serious misrepresentation of information that would lead to a miscarriage of justice)
- A danger to the health and safety of any individual or groups of individuals, including risk to the public
- Damage to the environment
- Instances of slavery, servitude, forced and compulsory labour and human trafficking in Mount House School or anywhere within its supply chain
- Any deliberate attempt to conceal any of the above.

In addition, Mount House School's policy specifically covers any conduct which appears likely to harm the welfare and/or protection of children and young people. It also covers any conduct likely to harm the reputation of Mount House School. In these circumstances, we undertake to provide the same protection as provided by PIDA.

Mount House School values any concerns reported in good faith under this procedure. If you are uncertain whether the matters concerning you are within the scope of this policy (e.g. if you are suspicious but uncertain as to whether the law has been broken, or whether a person is acting outside the scope of their authority) you are encouraged to report the concerns to one of the Designated Whistleblowing Officers (DWO) in accordance with the procedure.

- 2.6 The whistleblower is usually not directly, personally affected by the danger or illegality. The danger or illegality normally affects others, for example pupils, parents, other members of staff or members of the public.
- 2.7 Whistleblowing rules provide protection to the whistleblower, even if the wrong-doing which is being exposed was by a third party and not the employer.
- 2.8 Every reasonable effort will be taken to ensure that workers who express their legitimate views/concerns in good faith about issues to do with Mount House School in accordance with this policy are not penalised in any way or will suffer any adverse consequences, including informal pressures for doing so. Malicious use of the whistleblowing policy may lead to disciplinary action.
- 2.9 Mount House School has a range of policies and procedures in place which deal with potential areas of concern. These should be used when appropriate. They include:
 - a. The Disciplinary, Performance Management and Grievance policies and procedures in the Staff Handbook
 - b. Equality Diversity & Inclusion Policy
 - c. Health, Safety and Welfare Policy
 - d. Safer Recruitment Policy

- e. Data Protection Policy, and Data Privacy Notices
- f. Scheme of Management
- g. Safeguarding Policy.

2.10 If the concern relates to the employee's own employment, the Grievance Procedure, as referenced in the Staff Handbook, should be used instead.

2.11 In raising concerns at work within Mount House School, workers have the right to consult/seek external guidance from:

- their professional association
- trade union
- solicitor
- statutory bodies such as ACAS.

3. How to Raise a Concern at Work

3.1 Concerns can be raised orally or, preferably, in writing. You must state that you are using the Whistleblowing Policy and you should include the background and history of the concern, including relevant dates, and the reason why the situation gives particular cause for concern. Although workers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

3.2 Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can viably be dealt with after a long period of time will depend on the circumstances.

3.3 When raising concerns employees must declare any personal interest they have in the matter. They should not attempt to investigate a concern or accuse individuals directly. Employees may invite their trade union or professional association to raise the matter on their behalf.

3.4 Anonymous disclosures will be considered but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the worker, or giving feedback on the action being taken. Measures can be taken to preserve confidentiality if appropriate.

3.5 Members of staff may also contact directly the local children's services (or, in the case of a possible criminal offence, the police) regarding individual or general safeguarding matters if they so wish:

Contact details for the Barnet LADO (Allegations against staff, volunteers, directors), is via the Multi-Agency Safeguarding Hub (MASH):

- Telephone: 020 8359 4066
- Email: [Safeguarding Concern or Early Help Request \(barnet.gov.uk\)](mailto:Safeguarding.Concern.or.Early.Help.Request@barnet.gov.uk)

If an individual believes a child is at risk of immediate harm they should call the Police on 999.

4. Stage 1: Workers - What to do

- 4.1 Wherever possible, a worker should raise their concern in the first instance with one of the DWOs (these are the Head or the Bursar).
- 4.2 If a worker considers it not to be appropriate to raise their concerns directly with a DWO, because they consider the matter to be extremely sensitive and serious or the worker believes the DWO is involved, they should report it directly to the Chairman of the Board of Directors.
- 4.3 When making the disclosure, the worker should specify whether they wish their identity to be kept confidential.
- 4.4 In order not to jeopardise the investigation into the alleged malpractice, the whistleblower is expected to keep the fact that they have raised a concern and the nature of the concern and any potential individuals involved confidential.
- 4.5 Any worker raising concerns covered by this policy has the right to be accompanied by an accredited trade union representative or colleague employed by Mount House School. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

5. Stage 1: DWO's Responsibility

- 5.1 Any DWO who is approached by a worker with a concern must always:

- Take concerns seriously, without judgement, apology or condemnation
 - Consider them fully and sympathetically
 - Recognise that raising a concern can be a difficult experience for some people
 - Seek advice from support specialists where appropriate.
- 5.2 On receipt of a concern at work raised by an employee, the DWO is required to acknowledge receipt.
- 5.3 In each case the DWO receiving the concern will arrange an initial interview which will, if requested, be confidential. The DWO will write a brief summary of the interview, which will be agreed, signed and dated by both parties. This summary will be produced as quickly as practicable.
- 5.4 On establishing the concern, the DWO needs to decide how the concern should be investigated, taking into account whether the concerns raise fraud, corruption or child protection issues – in which case they should seek guidance from the appropriate officer about how the concern should be investigated (e.g. a disciplinary investigation, investigation by Internal Audit, referral to Police, referral to Social Services).
- 5.5 The DWO may decide that it is more appropriate to appoint an independent investigator otherwise the DWO will investigate the concern:
- Respecting confidentiality
 - Where necessary interviewing other staff
 - Keeping the worker informed, within reason, about the investigation, at least monthly
 - Giving both the worker who raised the concern and staff who are the subject of the concern/investigation the name of a member of staff as a contact point for support
 - Notifying staff who are the subject of the complaint about the nature and potential outcomes of the investigation and the type of support available to them from a trained member of staff, the Trade Union, Human Resources and any Employee Assistance Programme support which may be in place at the time of the investigation
 - Considering whether staff who are the subject of the complaint should on request be granted special leave or if more appropriate, suspended for the duration of the investigation. Please refer to the Disciplinary procedure in the Staff Handbook for further information on suspension.

5.6 To notify the worker in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law.

- Any reference to disciplinary action in this feedback will only be made subsequent to the member of staff who is subject to the disciplinary procedure being fully informed of their position.
- Where the DWO concludes that the concern raised by the worker requires no action, the DWO will reiterate to the worker that raising concerns in good faith is encouraged by Mount House School, thank the person for raising the issue, point to further support available to them and highlight the options available if the worker is not satisfied with the outcome.
- To notify staff who were the subject of the complaint or concern of the outcome of the investigation. Where the investigation has not resulted in disciplinary action the worker may nonetheless need support and so should be offered it.
- If the investigation under this procedure concludes that a disclosure has been made maliciously, in bad faith or with a view to personal gain, the whistleblower will be advised that consideration will be given as to whether the disciplinary procedure should be invoked against them.

6. Stage 2

6.1 If the worker is not satisfied by the outcome of Stage 1, they have the right to raise the concern orally but preferably in writing with the Head, or if they have been involved in the investigation, with the Chairman of the Board of Directors.

6.2 The Head will, no later than one month after being notified of the issue by the worker:

- Review the evidence and other materials gathered during Stage 1
- Where the concern can be acted upon, take action promptly and notify the employee quickly of the action taken or
- Where action is not considered practicable or appropriate, give the individual employee a prompt and thorough explanation of the reasons for this and, in the event of a disagreement, what further action is available or

- If necessary, agree with the individual employee to vary the time specified for a decision to reflect the enquiries or investigations deemed necessary
- If necessary, explain why no decision can be given within the time specified, when a decision will be made and how the worker can make representations about the delay.

6.3 If the issue is being raised for the first time with the Chairman of the Board, no later than three months after being notified of the issue by the worker, the Chairman of the Board of Directors will proceed as above.

7. Stage 3

7.1 If the individual who raised the concern is not satisfied with the outcome of the investigation and/or inquiry, Mount House School recognises the lawful rights of employees and ex-employees to make a protected disclosure under the Act. The independent charity Protect has lawyers who give free confidential whistleblowing advice. Their contact details are: Tel: 020 3117 2520 or via their website: [Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

8. What a worker who raises a concern can expect

- 8.1 Where a concern is raised in confidence, Mount House School will protect the identity of the whistleblower wherever possible. However there will be circumstances where this is not possible, as for example where the whistleblower is an essential witness, and the situation could not be investigated further without revealing the whistleblower's identity. Should such a situation arise, we will discuss this directly with the whistleblower.
- 8.2 If an employee makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that worker. If, however, any investigation concludes that a worker has made malicious allegations or raised concerns with a view to personal gain, disciplinary action may be considered against that worker.
- 8.3 Where any recommendations for change arise out of the investigation to enable the School to minimise the risk of a recurrence of any malpractice or impropriety which has been uncovered, the DWO will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the Board of Directors.
- 8.4 Any worker choosing to make disclosures without following this procedure or anonymously may not receive the full protection as outlined in this policy.

9. Reference to the Media

9.1 Workers have a duty to Mount House School not to disclose confidential information. Any employee approaching the media without first approaching a DWO or the Chairman of the Board of Directors would need to be able to show that:

- a) they had good reason to conclude that such action was necessary and appropriate, and
- b) the organisation had failed to make adequate provision to address the concerns which led them to feel that such a course of action was necessary.

9.2 Therefore, any worker contemplating making a disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with his or her colleagues and, where appropriate, line and professional managers.

10. Records

A record should be kept by the DWO dealing with the concern. Meetings should be minuted and the minutes agreed with those attending the meeting. At the conclusion of the process, the record should be kept on the personal file of the worker raising the concern.

11. Monitoring and Review

11.1 The DWO will be responsible for notifying the Board of Directors of any disclosures made under this policy.

11.2 The DWO will ensure that any disclosures relating to the safeguarding of children are escalated by the Designated Safeguarding Lead to the appropriate body.

11.3 The DWO has responsibility for ensuring that any personnel who may be involved with administration or investigations carried out under this policy receive regular and appropriate training to assist them with the duties.

11.4 The Head will report annually to the Board of Directors on the number, nature and outcomes of concerns raised.

11.4 The Board of Directors is responsible for reviewing this policy from a legislative and operational perspective on an annual basis.

11.5 This procedure is for guidance only and does not form part of employees' contractual rights. The contents may be subject to revision from time to time.