

BRYANSTON

‘WHISTLEBLOWING’: PROCEDURE TO REPORT A WRONG DOING

1 Introduction

Bryanston has adopted this policy and the accompanying procedure on ‘whistleblowing’ to enable members of staff (to include peripatetic staff, coaches, volunteers and contractors) to raise concerns about serious malpractice.

2 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 ‘whistleblowing’ is intended to demonstrate that the School:

1. will not tolerate malpractice;
2. respects the confidentiality of staff raising concerns;
3. will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
4. will invoke the School’s disciplinary procedures in the case of false, malicious, vexatious or frivolous allegations; and,
5. will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

This policy is separate from the School’s procedures regarding grievances. Staff should not use the ‘whistleblowing’ procedure to raise grievances about their personal employment situation. Rather, 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 conduct, 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.

Staff are encouraged to express their concern in writing wherever possible. It may be appropriate that concerns are raised orally in the first instance and a record of the conversation made and agreed with the member of staff. If there is evidence of criminal activity then the Police will, in all cases, be informed.

The School ensures employees can share concerns without fear of reprisals. The policy applies to all staff and those contractors working for the school on School premises and includes, for example, builders, estate workers and drivers. It also covers those providing services under a contract with the School.

3 Internal Procedure

Any member of staff is at liberty to express their concern to the COO or to the Second Master.

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 as appropriate 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 with the Headmaster.

How Is A Concern Raised?

If wrongdoing in the workplace is suspected:

- Individuals should not be approached or accused directly;
- Individuals should not attempt to investigate the matter themselves. As a first step, the concern should be reported to the COO or Second Master.
- Individuals should not convey suspicions to anyone other than the COO or the Second Master or, if the suspicion relates to the Headmaster, the Chair of Governors;

Concerns may be raised verbally; however, it is advised that they are reported 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.

The earlier a concern is expressed, the easier it is to take appropriate action and resolve matters.

Complainants are not expected to prove the truth of allegations; however, they are required to demonstrate that there are sufficient grounds for concern.

How the School Will Respond

The action taken by the School will depend on the nature of the concern. Where appropriate, matters raised by the complainant may:

- be investigated by senior management or Governors;
- become part of a process of mediation;
- be resolved speedily. When matters cannot be resolved speedily they may become part of a disciplinary process;
- if appropriate (for example referring to safeguarding and child protection), be referred to Social Service or Police;
- if considered appropriate, be the subject of a referral to the General Teaching Council of England;
- be considered in an independent enquiry.

Within seven working days of a concern being raised the COO, Second Master or Chair of Governors will write to the complainant to:

- acknowledge receipt of the report and concern;
- indicate how it is proposed to proceed;
- give an indication of how long it may take to provide a final response.

The amount of contact between the complainant and the COO, Second Master or Chair of Governors managing the complaint depends on the nature of the concerns. If necessary, further information will be sought from the complainant.

Where any meeting is arranged, if it is felt necessary, the complainant may be accompanied by a work colleague or member of a professional association who is not involved in the area of work to which the concern relates.

The School will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example, if the complainant is required to give evidence in criminal or disciplinary proceedings the School will advise about the procedures and support the complainant.

The School accepts that the complainant needs to be assured that the matter has been properly dealt with. Therefore, subject to any legal constraints, as much information as possible will be provided about the outcomes of any investigation.

Further information and advice about how to raise a concern may be obtained from the independent charity Public Concern at Work on 020 3117 2520 or from their web site: www.protect-advice.org.uk.

4 External Procedure

Where all internal procedures have been exhausted, and if not already referred to the Chair of Governors, a member of staff shall have a right to raise the matter with the Committee of 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, such as, but not limited to, where the employee reasonably believes:

- that exceptionally serious circumstances justify it;
- that the School would conceal or destroy the relevant evidence;
- they would be victimised by the School;
- that any of the officers of the School referred to above are involved in the malpractice.

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, providing that they do so in good faith and follow the “whistleblowing” procedures.

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