



Whistleblowing Policy

Owned By:	Head	Autumn 2023
Reviewed By:	Leadership Team	Autumn 2023
Approved By:	Council	Autumn 2023

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Summary of material changes since the 2021 version

- Executive summary added
- Head and Bursar listed as the primary contact for whistleblowing (replacing HR Manager and Compliance Officer throughout)
- A fuller range of examples of concerns has been added (Paragraph 1)
- Addition of a new paragraph to clarify the circumstances in which outside bodies should be approached (Paragraph 18)
- Emphasis added regarding communication with the media (Paragraph 20)
- Breach of this policy included as an example of an inappropriate accusation (Paragraph 22)

Abbreviations, Acronyms and Definitions

Abbreviation / Acronym	Definition
COO	Chief Operating Officer
C-SPA	Surrey Children’s Single Point of Access
Staff	References to staff include workers, self-employed, contractors and volunteers.

Executive Summary

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. The Yehudi Menuhin School aims to have a culture of openness, where feedback is easy, encouraged and leads to a response that benefits pupils and staff alike.

The Yehudi Menuhin School 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.

This policy sets out the way in which individuals may raise concerns within the School's 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 The Yehudi Menuhin School.

Complainants wishing to register formal concerns must follow the policy procedures.

The Yehudi Menuhin School encourages members of staff to raise their concerns with their line manager in the first instance. If a member of staff is not sure whether to raise a concern, they should discuss this issue informally with a member of the Leadership Team (LT) in confidence.

If any individual has a concern regarding a Child Protection issue, then the School's Safeguarding Policy must be referred to, as this sets out the best avenues for such concerns to be raised.

The Yehudi Menuhin School welcomes the law that provides protection for all workers who raise legitimate concerns about specific matters. 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
- concealment of any of the above

It is not necessary for the member of staff to have proof, 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 the School's responsibility to ensure that an investigation takes place.

Disclosures of any of the above are considered to be 'Protected Disclosures'. A member of staff who makes such a disclosure, has the right not to be dismissed, subjected to any other detriment, or victimised because they have made a disclosure.

Malicious, vexatious or frivolous false allegations will be dealt with under the School's Disciplinary Procedures.

Aim / Objective / Statement of Intent

1. The School has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about any:
 - criminal offence
 - miscarriage of justice
 - act creating risk to health and safety
 - act of financial fraud
 - act causing damage to the environment
 - breach of any other legal obligation
 - breach of data regulations
 - concealment of any of the above

The policy also provides, if necessary, for such concerns to be raised outside the organisation.
2. The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
3. The School's policy on whistleblowing is intended to demonstrate that it:
 - will not tolerate malpractice;
 - respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing issues effectively;
 - will provide the opportunity to raise concerns outside the normal line management structure where this is appropriate;
 - will invoke the School's disciplinary procedure in the case of malicious, vexatious or frivolous allegations; and
 - will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.
4. Malpractice is not easily defined: it includes, but is not limited to, fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of-conduct (Policy P2.3), criminal activities, or failing to comply with a legal obligation, or failing to act or take seriously any safeguarding allegation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment.

What is Whistleblowing?

5. 'Whistleblowing' is when a worker provides certain types of information which have come to their attention, usually to the employer or a regulator, to raise a concern about danger or illegality that affects others. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client or any third party. Typically, the whistle blower is not directly, personally affected by the danger or illegality, although they may be.

6. In the UK, the Public Interest Disclosure Act 1998 is a key piece of legislation protecting individuals who 'blow the whistle' in the public interest. Workers who make a 'protected disclosure' can make a claim to an employment tribunal if they are treated badly or dismissed. For a disclosure to be protected, it must meet the test for being in the public interest and the worker must follow the procedures set out in the legislation. Disclosures to the media will be protected in certain cases only, for example if there is no prescribed regulator or where less public disclosures did not get a reasonable response. In an education setting it is extremely unlikely that a disclosure to the media would be protected. See Paragraphs 20 and 23.

Confidentiality

7. The School recognises that the decision to report a concern can be difficult, not least because of the fear of repercussions from those about whom an allegation is made. We hope that staff will feel able to voice whistleblowing concerns openly under this procedure.
8. Workers who wish to raise a concern under this procedure are entitled to have the matter treated confidentially. We will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the whistleblower's identity, this will be discussed with them prior to their identity being revealed.
9. The Police will be informed in all cases in which there is evidence of suspected criminal activity.
10. We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from the whistleblower. 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 Head or the Bursar, and appropriate measures can then be taken to preserve confidentiality. If in any doubt, the whistleblower can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out in paragraph 11 below.
11. 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, website: www.pcaw.co.uk)
 - The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk)

Raising a whistleblowing concern

12. This procedure is separate from the School's adopted procedures regarding grievances or complaints. No member of the organisation should use the whistleblowing procedure to raise grievances about their personal employment situation. If someone is uncertain whether something is within the scope of this procedure, they should seek advice from the Head or the Bursar.

13. This procedure is to enable members of staff to express a legitimate concern regarding malpractice within the School.
14. Whistleblowing concerns should be raised with the Head in the first instance. Where the concern relates to the Head or the whistleblower feels that the Head has not taken appropriate action, they may then raise their concern with the Chair of Governors, depending on the seriousness and sensitivity of the issues involved.
15. A meeting will be arranged with the whistleblower as soon as possible to discuss their concern. They may bring a colleague, partner, friend or union representative to any meetings under this procedure. Their companion must respect the confidentiality of the disclosure and any subsequent investigation. The whistleblower may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.
16. Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The whistleblower will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution. Sometimes, however, the need for confidentiality may prevent the School from revealing specific details of the investigation or any disciplinary action taken as a result. The whistleblower should treat any information about the investigation as confidential.
17. If the whistleblower is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Chairman or Vice Chair of Governors.

External Procedures

18. 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. The School will consider extreme circumstances exist where the member of staff has a reasonable belief that: the School 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 School; 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 in which a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes:

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

19. External bodies to which a whistleblower might raise a concern might include:

- Department for Education, Independent Schools Inspectorate, OFSTED, Disclosure & Barring Service, Teaching Regulation Agency;
- HMRC

- The Audit Commission
- The Health and Safety Executive
- C-SPA (where the disclosure relates to a Safeguarding issue).

20. 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 for the reasons as listed in Paragraph 18 above from the Public Interest Disclosure Act, 1998) the School may consider this to be gross misconduct and immediate disciplinary action may be taken against the member of staff.
21. Further information relating to how to raise a concern relating to Safeguarding can be found in our P2.2 Safeguarding & Child Protection Policy.

Malicious Accusations

22. Malicious, vexatious or frivolous accusations, including any reporting in breach of this policy, will be dealt with under the School's Disciplinary Procedures & Rules.

Protection from Reprisal or Victimisation

23. No member of the staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing they do so in good faith and follow the Whistleblowing Procedures.