

LANCASTER ROYAL GRAMMAR SCHOOL

POLICY STATEMENT

Number 20	Date Approved by Board of Governors December 2021
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WHISTLEBLOWING POLICY

1. Introduction

Lancaster Royal Grammar School is committed to the highest possible standards of openness, probity and accountability. School employees who have serious concerns about any aspect of the school are encouraged to voice those concerns.

Staff are often the first to realise that there may be something seriously wrong within school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. This document makes it clear that concerns or suspicions should be reported without fear of victimisation, subsequent discrimination or disadvantage.

This Whistleblowing Policy is intended to encourage and enable individuals to raise serious concerns within the school rather than overlooking a problem or raising the matter externally in the first instance.

The procedure applies to all staff, governors and contractors working for the school. It also covers suppliers and those providing services to the school.

The procedure supplements the school Complaints and Grievance procedures and Child Protection policies. Pupils and parents may also have information which should be raised in the public interest, and the school has separate complaint procedures for students and parental concerns.

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These are likely to include:

- Possible fraud and corruption
- Unauthorised use of school funds
- Failure to comply with financial regulations
- Failure to comply with Codes of Practice
- Conduct which is illegal
- Health and safety risks, including risks to students, colleagues and the public
- Damage to the environment
- Other unethical conduct.

2. Legislation

The Public Interest Disclosure Act 1998 is designed to protect “whistleblowers” from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency

workers, and work experience providers. Lancaster Royal Grammar School will support and not discriminate against concerned employees who apply the whistleblowing policy, provided any claim is made in good faith.

3. When should whistleblowing procedures be used?

If an employee has concerns about wrongdoing at the school and feels that those concerns are sufficiently serious to require reporting, this policy outlines what should be done.

Each individual member of staff should feel able to speak freely on such matters. However, the school and colleagues have the right to protect themselves against unfounded false or malicious accusations.

Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.

Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection.

4. The Procedure

Any issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should raise their concern with the Headmaster. This may be done orally or in writing.

If the concern relates to the Headmaster, the Representor should raise the matter with the Chairman of Governors by email to hroberts@lrgs.org.uk

If the Headmaster or Chairman of Governors believes that it is appropriate to use the Whistleblowing Policy, that person should contact the Clerk to the Governors (the Assessor). Should it be alleged that the Clerk to the Governors is involved in the alleged malpractice, a senior manager should be contacted to act as Assessor.

The Assessor will:

Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger such as serious injury or risk to pupils;

Obtain as much information as possible from the Representor about the grounds for their belief of wrongdoing;

Talk with the Representor about further steps which could be taken;

Advise the Representor of the appropriate route if the matter does not fall under this Procedure;

Report all matters raised under this procedure to the Chairman of Governors.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the School staff to take notes.

Within seven working days of the interview, the Assessor will promptly recommend one or more of the following:

- a) The matter be further investigated internally by the school;
- b) The matter be further investigated by external consultants appointed by the school;
- c) The matter be reported to an external agency;
- d) Disciplinary proceedings be implemented against an employee;
- e) The route for the Representor to pursue the matter if it does not fall within this procedure; or
- f) That no further action is taken by the school.

The grounds on which no further action is taken include:

- a) The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred or is likely to occur;
- b) The Assessor is satisfied that the Representor is not acting in good faith;
- c) The matter is already (or has been) the subject of proceedings under one of the School's other procedures or policies;
- d) The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

The recommendation of the Assessor will be made to the Headmaster. However, should it be alleged that the Headmaster is involved in the alleged wrongdoing, the recommendation will be made to the Governing Body.

The Headmaster or Chairman of Governors, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- a) where the Assessor is under a legal obligation to do so;
- b) where the information is already in the public domain; or
- c) on a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor considers that he or she has not had a suitable response within the above time limit or such reasonable extension as the School requires, the Representor may decide to go to an appropriate external agency but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a legally privileged basis to a regulated legal advisor who is an authorised person pursuant to the provisions of the legal Services Act 2007.

The Clerk to the Governors will report how many times the policy has been invoked in the previous academic year to the Michaelmas meeting of the Audit Committee.

5. Malicious Accusations

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the School's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

6. Informing External Agencies

Within the School all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the School fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

It should be borne in mind that Whistleblowing to an external agency without first going through the internal procedure may be a breach of the School's Code of Conduct. The external agencies which may be used if disclosure is considered appropriate include:

- i. The Department for Education;
- ii. The Member of Parliament;
- iii. The National Audit Office;
- iv. The Health and Safety Executive;
- v. The Police.

Whistleblowing to the media is not appropriate or permitted in any circumstances.