



URSULINE HIGH SCHOOL
Wimbledon

Whistle Blowing
Policy

January 2024

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Ursuline High School

Ursuline High School (UHS) policies and procedures relate to its operation, staff, facilities, Health and Safety, risk management and services provided.

UHS strive to ensure equality of opportunity for all. This policy forms part of UHS commitment to create a positive culture of respect for all staff and service users. The intention is to identify, remove or minimise discriminatory practice to ensure fairness and consistency for all those covered by it regardless of their individual differences and value the diversity of all individuals and communities.

As part of its development this document and its impact on equality has been analysed and no detriment identified.

Ursuline Ethos / Mission Statement

To build a caring and supportive Christian community where each individual is able to grow in their understanding of the faith and their commitment to Christ.

To set standards of excellence in teaching and learning and to provide a broad, balanced, and relevant curriculum.

To develop personal qualities of understanding of self and others, self-discipline and motivation, responsible maturity, creative freedom, and integrity.

To foster an attitude of respect for all regardless of age, race, colour, creed, or gender.

To build peace, to promote justice, social concern and, through the celebration of difference, the equality of all peoples.

To widen horizons, to encourage a sense of commitment and service to the wider world, and to enable each one to go on learning and changing all through life.

1. Statement of Intent

This policy applies to employees of the school only. It does not form part of any employee's terms and conditions of employment and is not intended to have any contractual effect. The school reserves the right to amend this policy at any time.

This policy takes account the obligations under the Health and Safety at Work Etc. Act 1974, Management of Health and Safety at Work Regulations 1999, Employment Rights Act 1996, Protection from Harassment Act 1997, Working Time Regulations 1999 and the Equality Act 2010.

The school is committed to protecting the health, safety and wellbeing of all those who work for us and endeavours to maintain a working environment in which everyone treats one another with dignity and respect and can co-operate with and trust their colleagues.

The school recognises that, whatever its source, stress and mental ill health can be a health and safety issue in the workplace and acknowledges the importance of a supportive environment and working culture and of identifying and reducing workplace stressors. It is committed to promoting positive mental health for all its staff and working with its staff to help achieve this, including encouraging staff to talk openly about their mental health and ensuring those with mental health issues have the opportunity to participate in the workplace.

The school is committed to a programme of action to make this policy effective and to bring it to everyone's attention. However, this policy can only be effective if everyone co-operates to achieve its aims.

Name: _____ **Signature:** _____
(Chair of Governors)

Name: _____ **Signature:** _____
(Headteacher)

Date: _____

Review Procedures

This policy will be reviewed regularly and revised as necessary. Any amendments required to be made to the policy as a result of a review will be presented to the Governing Body for acceptance.

Document / revision no.	Date	Status / Amendment	Approved by

Distribution of copies

Copies of the policy and any amendments will be distributed to the Headteacher; All Staff; Governors and HR.

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2. Roles and Responsibilities

2.1 The Governing Body

- 2.1.1. The Governing Body has a duty to deliver a safe service and protect the interests of the school, staff and public. They are committed to the provision of the highest quality services to its residents and to full accountability for those services. Whilst the Governors have rules and regulations in place to ensure the highest standard of conduct and commitment, irregularities, wrongdoing, or serious failures in standards do sometimes occur. The Governing Body wants to identify and remove such malpractice in the performance of its services.
- 2.1.2. The Governing Body is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation. The governing body is aware of the guidance on the Equality Act issued by the Department of Education.
- 2.1.3. The Governing Body along with the Headteacher will monitor the operation and effectiveness of the school's whistleblowing arrangements to minimise the impact on workload for all parties involved.
- 2.1.4. If the Headteacher is involved in the investigation process or any initial action they will seek that Governors meet to decide actions to be taken. Advice should be sought throughout the procedure from the schools HR Advisor. Occasionally it maybe necessary to consider using an investigator who is not a member of the school staff or governing body.
- 2.1.5. Whistleblowing concerns should not be discussed or reported in any detail at any full Governing Body meeting until there are no issues outstanding. Any matters discussed should be general and brief. At the end of the procedure a short report to governors may summarise briefly the nature of the incident and the outcome.
- 2.1.6. The Governing Body and Headteacher will consult with their HR provider at all stages of the procedures for advice if they are to avoid cases of unfair treatment and claims to an employment tribunal. Failure to consult and/or ignoring advice offered by your HR provider may result in costs incurred at an employment tribunal being met by the school from their delegated budget.

2.2 Headteacher

- 2.2.1. The Headteacher will ensure that all staff under their management are fully conversant with the procedure.
- 2.2.2. The Whistleblowing Policy is for use for all staff who have a concern about danger or illegality that has a public interest aspect to it, usually because it threatens others (e.g parents, stakeholders, or the public). If a grievance or private complaint that has no public interest dimension such as employment terms and conditions, health and safety, bullying, discrimination, and harassment are made, the Headteacher will refer the member of staff to the Grievance Policy.
- 2.2.3. The Headteacher / Line Manager should treat all information about any staff members with sensitivity and in strict confidence. A breach of confidentiality could result in formal disciplinary action.

- 2.2.4. The Headteacher along with the Governing Body will ensure that all written records are retained and stored in a secure place in line with their Retention and Disposal Policy.
- 2.2.5. The Headteacher will be responsible for ensuring that appropriate action is taken and may delegate initial action to the appropriate Line Manager, Deputy Headteacher or Assistant Headteacher.
- 2.2.6. Headteachers and the Governing Body should make every attempt to follow the correct and agreed procedures and timescales and should not attempt to foreshorten the procedures under any circumstances.

3. Purpose of the Policy

- 3.1.1 To encourage staff to feel confident in raising concerns where the interest of others or the school are at risk.
- 3.1.2 To enable staff to confidentially raise concerns within the school environment.
- 3.1.3 To ensure staff receive a response to their concerns and if not satisfied they are aware of how to pursue them.
- 3.1.4 To reassure staff that they will be protected from reprisals or victimisation where they reasonably believe the disclosure to be made in the public interest. It must be appreciated however that the investigation process may reveal the source of the information and a statement by the staff member maybe required as evidence in criminal proceedings or employment tribunals. Ursuline High School will endeavour to ensure that a member of staff's identity will not be disclosed to third parties without a court order.

4. Support for Staff

- 4.1.1 Raising concerns can be difficult and stressful. Advice and support are available via a staff member's line manager, Headteacher, school HR Advisor or Trade Union representative.
 - Members of staff who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.
 - The Council provides an Employee Assistance Programme (EAP) for members of staff employed in schools and who purchase this service. It can provide support for employment issues, consumer rights. Contact details are a free 24-hour Confidential Helpline: 0800 030 5182. Information can be found at <https://healthassuredeap.co.uk/>. The login is Merton, and the password is EAP.
 - The school will take steps to minimise any difficulties which staff may experience because of raising a concern. If staff are required to give evidence in criminal or disciplinary proceedings the school will arrange for you to receive advice about the procedure. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with staff and with a trade Union representative for support, if so wished.

- If staff believe they have suffered a detriment for having raised a concern, this should be reported.

5. Monitoring & Evaluation

- 5.1.1 The London Borough of Merton's Monitoring Officer will maintain a Corporate Register containing all concerns that are brought to their attention. This register will include details of who raised the concern/s (if available), the department/school the concerns relate to, a summary of the concern/s, conclusion of the investigation, any action taken and any other relevant information. The Monitoring Officer will report the number of whistleblowing cases received and a summary of the outcome to the Audit Committee on an annual basis.

6. Definitions

- 6.1.1 'Staff' means all staff including anyone on a temporary or fixed term contract employed at the Ursuline High School.
- 'Governors' references The Governing Body of the Ursuline High School.

7. Remit of the Policy

- 7.1.1 This policy deals with serious / sensitive concerns about matters relating to:
- Fraud or financial irregularity.
 - Corruption, bribery, or blackmail.
 - Failure to comply with legal or regulatory duty or obligation.
 - Disclosures related to miscarriages of justice.
 - Dangerous procedures risking Health and Safety, including risk to the public as well as other members of staff.
 - Damage to the environment.
 - Other unethical conduct, including deliberate concealment of information.
 - Action which is contrary to the code of conduct for staff or governors.
 - The inappropriate use of the School's/Council's standing orders and financial procedures.
 - Conduct which is a criminal offence or a breach
- The policy does not include the following:
 - Relationships between members of staff, their managers and the school for which grievance and other dispute procedures are more appropriate.
 - Concerns or complaints by members of the public to which the schools Complaints Procedure would apply.
 - Concerns or complaints about the behaviour of Governors to which the Governor Code of Conduct would apply.

8. Protection to Staff

8.1.1 The Public Interest Disclosure Act provides workers with protection from dismissal or other damage as a result of making a disclosure of information in the public interest about wrongdoing at work. Such disclosures are protected if they are done according to the Act's provisions.

- Disclosures may be made to the employer, prescribed regulatory bodies or on a wider basis to the Police. The Act's protection is strongest where workers raise matters with their employers.
- Ursuline High School & the Council are committed to adhering to this Act and to provisions contained within this Policy. If staff raise a genuine concern in accordance with this Policy, they will not be at risk of losing their job or suffering any form of retribution as a result.
- The school will not tolerate any reprisal against a member of staff because he or she has raised a concern under the Code and will treat any such reprisal as a disciplinary matter.
- Provided staff are acting honestly; it does not matter if they are mistaken or if there is an innocent explanation for their concerns. Staff will not be asked to provide proof. This assurance is not extended to someone who maliciously raises a matter they know is untrue. Disciplinary action will be taken against members of staff who knowingly make false allegations.
- Giving out information about third parties to whom the School/Council owe a duty of confidence may not be protected under the Public Interest Disclosure Act. This may lead to disciplinary action. If staff are in any doubt, they should seek advice from your Headteacher/Line Manager or trade union.
- If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. However, when it appears that there are clear grounds for suggesting that a member of staff may have acted frivolously, maliciously, or vexatiously, this will be taken seriously and may constitute a disciplinary offence.

9. Relationship with other procedures

9.1.1 These guidelines provide the process for dealing with whistleblowing issues relating to a member of staff's behaviour. However, there will be occasions where it becomes apparent that the case may relate to or involve other policies and procedures. These may include:

- Disciplinary Policy
- Capability Policy
- Grievance Policy

Schools should seek advice from their HR Advisor/HR provider if they are unclear which procedure is relevant.

10. Scope of the procedure

10.1.1 The procedure followed should be fair, transparent, and accessible to all staff.

- Ursuline High School recognises that the decision to report a concern can be a difficult one to make. If what staff are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom a service is provided. If a member of staff is dissatisfied with the application of this policy, they may raise a grievance.

- Basic Principle Ursuline High School encourages staff to raise matter's internally in the first instance. This allows staff and those in positions of responsibility and authority the opportunity to right the wrong and provide an explanation for the behaviour or activity. Where staff make a disclosure, they are encouraged to give details of their identity as anonymous disclosures are more difficult to investigate.

11. Whistleblowing Process

11.1.1 Staff should normally raise concerns with their Line Manager, Headteacher or Chair of Governors in the first instance.

1. **Communicate your concern** - Depending on the seriousness and sensitivity of the issue or who maybe involved, then you can use the Whistleblowing Hotline 0208871 8383
2. **What to Include** - Concerns in writing should include background, history of the concern, names, dates, and places where possible the reason for the particular concern.
3. **Advice & Guidance** - can be obtained from the Headteacher, trade union representative or the Southwest London Fraud Partnership. Agency staff / contractors should first discuss concerns with a relevant colleague or Line Manager within the school.
4. **Once Information is received** – consolidate the allegation detail and assemble the information made available to them. The details of the allegation are then immediately passed on to the Council's Head of Internal Audit in order that it can be included on the central Whistleblowing register.
5. **An appropriate investigating officer is then appointed** by the Headteacher/Chair of Governors, dependent on the nature of the allegation. The investigating officer(s) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice, or assistance. This could involve for example members of staff, the Council's Internal Audit service, external audit, legal or HR advisors, or the police. Concerns or allegations, which fall within the scope of specific procedures (e.g., child protection, Health and Safety or discrimination issues), will normally be referred for consideration under those procedures. It may be decided to use an external investigation

officer to undertake the investigation, or it may be passed to external audit to investigate, depending on the nature of the allegation.

6. **Fraud allegations** will be passed to the Southwest London Fraud Partnership (SWLFP) to carry out the investigation.
7. **Timeline** - The staff member raising the concern will be informed within 4 weeks of receipt of the Whistleblowing, how and by whom the concerns will be handled by an estimate of how long the investigation will take and where no further action is proposed, reasons for this decision.
8. **Records** will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s) will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third-party referral such as the police.
9. The amount of contact between the investigating officers considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from staff as part of the investigation process. If the investigating officer invites a member of staff to attend a meeting, they will have the right to be accompanied. This should be a representative of a recognised trade union, or a work colleague who is not involved in work to which the concern relates.
10. A confidential record of the concern will be kept and held in accordance with relevant data protection legislation.

12. Taking the matter further

If a staff member is dissatisfied with the outcome of the investigation and the action taken, staff may consider contacting the following:

- External Auditor
- Their Trade Union
- Citizens Advice Bureau and or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Local Government Ombudsman
- The Information Commissioner
- A relevant voluntary organisation
- The Police/Health & Safety Executive

Numbers within Merton:

- Head on Internal Audit 0208 545 3149
- Monitoring Officer 0208 545 3338
- Head of HR 0208 545 3152
- Potential Fraud/criminal activities Fraud Hotline 0208 871 8383 or you can email swlfp@richmondandwandsworth.gov.uk

All matters will be treated in strict confidence and anonymity will be respected wherever possible.

Matters too serious for School Council:

- Contact can be made to the Police of the Local MP
- The Comptroller and Auditor General(C&AG) is a prescribed person, to whom external persons can make disclosures relating to "the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services". Their Whistleblowing hotline is 020 7798 7999.
- The Act does not require the C&AG to investigate every disclosure they receive; their decision whether or not to investigate is based upon various criteria designed to ensure the most effective use of the resources at their disposal in safeguarding the public interest.

13. Summary

Do

- Make an immediate note of your concerns.
- Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of the parties involved.
- Note any documentary evidence that may exist to support the claim but do not interfere with this evidence.
- Report your concerns to your Headteacher/Line Manager/Chair of Governors or to the other agencies outlined in this policy.
- Deal with the matter quickly. Any delay could allow the problem to continue and escalate and evidence to disappear.
- Think about risks and outcomes before you act.
- Follow the guidance provided and contact the appropriate officer.

Don't

- Do nothing and let it go unreported.
- Be afraid of raising concerns.
- Approach and accuse individuals directly.
- Try and investigate the matter yourself.
- Convey your suspicions to anyone except those of the proper authority as set out in our policy.
- Use the whistleblowing procedure to pursue a personal grievance.

14. Appendix A - Important Contacts

The Comptroller and Auditor General	National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP
The Council's external auditor is Ernst & Young	http://ey.com Ernst & Young 1 More London Place London SE1 2AF Tel: 020 7951 2000
Local Government Ombudsman (no action will be taken until the allegation has been dealt with internally first)	http://www.lgo.org.uk/ Telephone the LGO Advice Team on 0300 061 0614 Text 'call back' to 0762 481 1595
Citizens Advice Bureau	https://www.citizensadvice.org.uk/about-us/contact-us/
The Information Commissioner	http://www.ico.gov.uk/
Health and Safety Executive	http://www.hse.gov.uk/
Care Quality Commission	http://www.cqc.org.uk/contact-us/reportconcern/report-concern-if-you-are-member-public
Ofsted (Whistleblowing hotline)	0300 123 3155 whistleblowing@ofsted.gov.uk