



WHISTLE BLOWING POLICY

1. Introduction

1.1. Hartmore School is committed to the highest standards of openness, integrity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and others to voice concerns in a responsible and effective manner.

1.2. This Whistleblowing Policy provides a mechanism for staff to raise concerns regarding the treatment of pupils and their carers/parents, their colleagues, contractors, visitors or others by their colleagues and managers in the confidence that their concerns will be investigated fully, independently and acted on accordingly.

1.3. It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation, this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to inform).

1.4. It is the responsibility of all staff to report any matter that actually or potentially endangers a pupil, and/or their physical or moral welfare. Witnessing abuse or neglect, or any other action endangering a pupil and covering it up and/or failing to report it is regarded as a serious disciplinary matter.

1.5. In addition to direct concerns regarding the care of pupils, staff may also raise concerns regarding the treatment of colleagues (e.g. bullying, racism, sexual harassment etc.), financial irregularities or and illegal or unethical behaviour.

1.6. The Public Interest Disclosure Act 1998 provides legal protection to employees against being dismissed or otherwise penalised by their employers as a result of publicly disclosing certain serious concerns.

1.7. Hartmore Education Ltd. (incorporating Hartmore School) has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns. It should be emphasised that this Whistleblowing Policy is intended to assist individuals who believe they have discovered malpractice or impropriety.

1.7.1. It is not designed to question financial or business decisions taken by the Hartmore Education Ltd. nor should it be used to reconsider any matters that have already been addressed under harassment, complaint, disciplinary or other procedures.

1.7.2. Once the "whistle blowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside of the Company.

2. Scope of Policy

2.1. This Whistleblowing Policy is designed to enable employees education staff to raise concerns internally, at a high level, and to disclose information that the individual believes shows malpractice or impropriety.

2.2. This Whistleblowing Policy is also intended to cover concerns that are in the public interest and may, at least initially, be investigated separately but might then lead to the invocation of other procedures e.g. Disciplinary Policy

2.3. These concerns many include:

- Financial malpractice, impropriety or fraud
- Serious Safeguarding breaches
- Failure to comply with a legal obligation or regulations
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these
- Safeguards i.e. Protection

2.4. This Whistleblowing Policy is designed to offer protection to those employees of Hartmore Education Ltd who disclose such concerns, provided the disclosure is made:

2.5. **In Good Faith:** In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and that they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

2.6. **Confidentiality:** Hartmore School will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

2.6. **Anonymous Allegations:** This Whistleblowing Policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Hartmore Education Ltd. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

2.7. **Untrue Allegations:** If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure, the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

3. Procedure

3.1. On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

3.2. Complaints of malpractice will be investigated by the Headteacher unless the complaint is against the Head teacher or is in any way related to the actions of the Headteacher. In such cases, the complaint should be passed to a Director for referral.

3.3. In the case of a complaint, which is any way connected with but not against the Headteacher, a Director will act as the alternative investigating officer.

3.4. The complainant has the right to bypass the line management structure and take their complaint direct to the board of Hartmore Education Ltd. who have the right to refer the complaint back to management if they feel that the management can more appropriately investigate the complaint.

3.5. If there is evidence of criminal activity, the investigating officer should inform the police. The Board of Directors of Hartmore Education Ltd will ensure that any internal investigation does not hinder a formal police investigation.

4. Time Scales

3.1. Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible, without affecting the quality and depth of those investigations.

3.2. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded. All responses to the complainant should be in writing and sent to their home address.

4. Investigations

4.1. The investigating officer should must ensure that full and comprehensive details should be obtained personally from the complaint (and an accurate record kept).

4.2. The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.

4.3. The investigating officer should consider the involvement of the Local Safeguarding Board, and the Police at this stage and should consult with the Headteacher and/or a Director.

4.4. The allegations should be fully investigated by the investigating officer with assistance, where appropriate, of other individuals/bodies.

4.5. A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Headteacher and/or a Director.

4.6. The Headteacher and/or Director will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.

4.7. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

4.8. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Headteacher and/or a Director. If the investigation finds the allegations are unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Hartmore School recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons such as:

- OFSTED
- Health and Safety Executive
- The Audit Commission

- The Utility Regulators
- Or, where justified elsewhere

5. Malicious Complaints

5.1. All staff have an obligation to report genuine concerns or suspicions, even if the individual concerned is unsure there is definite proof of wrong doing. However, attempt to misuse this Whistleblowing Policy by maliciously raising unfounded allegations and/or deliberate providing misinformation will be regarded as a serious disciplinary matter. Complainants will not be required to prove their suspicions when a concern is first raised. However complainants must be able to clearly establish reasonable grounds for their suspicions.

6. Related Policies

6.1. The following policies should be read in conjunction with this Whistleblowing Policy:

- Safeguarding Pupils Policy
- Prevention of Bullying Policy
- Disciplinary Policy
- Complaints Policy

7. Policy Review

7.1. This Whistleblowing Policy was last reviewed in May 2019 It will be reviewed again, on or before July 2020.