

THE BRADFIELD GROUP



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VERSION HISTORY

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WHISTLEBLOWING POLICY (Group Policy)

Statement

The procedure set down below is designed to deal with the disclosure of information by an employee which relates to some danger, bribery, corruption, fraud or other unlawful or unethical conduct in the workplace. This procedure is available to all employees who discover something they feel that they should pass on in the interests of the public.

The Bradfield Group encourages a free and open culture (especially when it comes to matters such as child protection which is dealt with through separate protocols set down in the College and School's Safeguarding Policies as noted below) in its dealings between its senior managers, employees and all people with whom it engages in business and legal relations. In particular, the Group recognises that reflective practice, along with effective and honest communication are essential if concerns about breaches or failures are to be effectively dealt with and the Group's continued success ensured.

Whistleblowing is specifically included in the induction training given to all employees, volunteers and relevant contractors, as part of their child protection training.

This policy is designed to provide guidance to all those who work with or within the Group who may from time to time feel that they need to raise certain issues relating to the Group with someone in confidence. All types of wrongdoing are included whether they are acts committed by fellow employees, faults in the College's / School's procedures or oversights which should be rectified. The procedure should also be used even in the event that the act or omission causing you concern has finished or has not yet started.

Provided employees use this procedure appropriately and correctly, they will not suffer any detriment as a result of reporting any wrongdoing.

This procedure should not however be used where employees have a complaint relating to their personal circumstances in the workplace. The College's / School's grievance procedure should be used in such cases.

Procedure

This policy will apply in cases where employees genuinely and in good faith believe that one of the following sets of circumstances is occurring, has occurred or may occur within the College or School:

1. a criminal offence (other than one relating to child protection) has been committed, is being committed or is likely to be committed;

2. a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
3. a miscarriage of justice has occurred, is occurring or is likely to occur;
4. the health and safety of any individual has been, is being or is likely to be endangered;
5. the environment has been, is being or is likely to be damaged; or
6. information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

It is not necessary for employees to prove the breach or failure that they are alleging has occurred or is likely to occur but may simply raise a reasonable suspicion. However, they should note that they will not be protected from the consequences of making such a disclosure if, by doing so, they commit a criminal offence or if they make the disclosure motivated by a reason which is not in good faith.

Safeguarding and Whistleblowing

The procedure set out in the four stages below in this policy **should not be used** for safeguarding matters. Instead, the following protocols (A), (B), (C), and (D) summarised below and set down in the College's / School's Safeguarding Policy **must** be followed:

- (A) For any child protection allegation against a member of staff or other person working or volunteering in the College, the procedure set down in the Safeguarding Policy must be followed: i.e. the College/School Headmaster must be informed without notifying the person against whom the allegation is being made.
- (B) For a child protection allegation against the College/School Headmaster, the procedure set down in the Safeguarding Policy must be followed: i.e. the Warden must be informed without notifying the College/School Headmaster. In either case, anyone may refer an allegation on a child protection matter directly to the Local Authority Designated Officer, Children's Social Care and/or the police.
- (C) Where the handling of a specific child protection matter by the DSL or any deputy DSL is thought to be inappropriate or unsuitable, the concern should be referred to the College/School Headmaster, the Warden, the Designated Safeguarding Governor, or the Designated Officer for the local authority.
- (D) Where the general approach to a child protection matter by the College / School is thought to be inappropriate or unsuitable, the concern should be referred to the Warden, the Designated Safeguarding Governor or to the Designated Officer for the local authority.

For any child protection concern, the NSPCC Whistleblowing Advice helpline may be consulted: 0800 028 0285 or help@nspcc.org.uk

For all matters **other than** child protection, the following protocols should be followed:

Stage One

Employees should disclose the suspected wrongdoing first to their Head of Department/Line Manager. In the event that the employee's Head of Department/Line Manager is involved in the suspected wrongdoing, the employee shall be entitled to proceed directly to Stage Two of this procedure.

The employee will receive a response detailing to whom the disclosure has been notified and/or any action taken by the College / School within seven days of their Head of Department/Line Manager being notified.

Where further investigation of the suspected wrongdoing is required, it will be explained to the employee. An investigating officer will be appointed and identified to the employee and to any person who is the subject of the whistleblowing allegation. The employee will be required to co-operate with any investigation conducted by the College / School. Appropriate steps will be taken to ensure that the employee's working environment and/or working relationships is/are not prejudiced by the fact of the disclosure.

Stage Two

If no response is forthcoming after seven days or if the employee's Head of Department/Line Manager is involved in the suspected wrongdoing, the employee shall be entitled to notify the College/School Headmaster/Chief Operating Officer/Head of HR as appropriate.

The employee can expect a response detailing any action taken within seven days of the Head/Chief Operating Officer/ Head of HR becoming aware of the disclosure.

Stage Three

If no such response is forthcoming the employee should inform the Warden of the disclosure.

Stage Four

If the employee does not receive a response within seven days of notifying the Warden of the suspected wrongdoing and, despite the best efforts of the Group, believes that it is not reasonable to continue following this procedure, the employee shall be entitled to raise their disclosure with a relevant and appropriate outside body which may include the following:

- the Health and Safety Executive
- the Information Commissioner
- the Department for Education (DfE)
- the Department for Business, Enterprise and Regulatory Reform
- the Police
- the Charity Commission
- their legal advisor; and
- the Independent Schools Inspectorate.

In extreme circumstances the employee will have the right to raise their concern directly with a relevant and appropriate outside body without first having followed the stages above. This may however cause damage to the Group and its reputation as well as constitute a breach of the employee's own duty of confidentiality towards the College or School and this action should only be taken in extreme circumstances and after careful thought.

Further guidance

For the avoidance of doubt nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with Keeping Children Safe in Education. In particular, if, at any point, there is a risk of immediate serious harm to a child, a referral should be made to children's social care immediately.

Employees who are the subject of whistleblowing disclosures will be supported during the period of investigation. A specific member of the SMT/SLT will be nominated to act as their point of contact during the ensuing investigation and they will be kept informed of the progress of the investigation into the disclosure.

Employees who raise whistleblowing disclosures will not suffer any detriment for raising their concerns through this procedure, providing the concerns are raised in good faith. A specific member of SMT/SLT will be nominated to act as their point of contact and keep them informed of progress during the process.

Employees should be aware that the policy will apply where a disclosure is made in good faith and where they reasonably believe that the information disclosed and any allegation contained in it are substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within the College or School), or concerns information which employees do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the College or School's Disciplinary Policy and Procedures and may constitute gross misconduct for which summary dismissal is the sanction.

Where a whistleblowing disclosure is made in good faith and it turns out on investigation to be the consequence of a misunderstanding or misreading of facts, the College/School will provide mediation to bring together the party who made the disclosure and the person or persons who were the subject of the disclosure. If necessary formal dispute resolution will be facilitated. The aim of mediation or other dispute resolution is to enable colleagues to move forward positively together.

If employees have any queries about this procedure, they should contact the Head of HR in the first instance.

The above policy is non-contractual and the Group reserves the right to amend or withdraw it at any time.