

# WHISTLEBLOWING POLICY

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## **1. Introduction**

The purpose of this policy is to provide guidance to employees of Benenden School (Kent) Limited and its subsidiaries (collectively 'Benenden' or 'the School'). This policy sets out the framework for dealing with allegations of illegal and improper conduct.

- 1.1 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 fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations or unethical conduct. The policy also provides for such concerns to be raised outside the School's internal organisation if necessary.
- 1.2 This policy applies to all staff, including associates, contractors, and volunteers

## **2. Elements of the Policy**

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, the School's policy on 'whistleblowing' is intended to demonstrate that the School:

- a. Will not tolerate malpractice;
- b. Respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- c. Will provide the opportunity to raise concerns outside of the normal line management structure;
- d. Will invoke the School's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations; and,
- e. Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

## **3. Procedure**

- 3.1 This policy is separate from the School's adopted procedures regarding grievances.

Employees should not use the 'whistleblowing' procedure to raise grievances about their personal employment situation. Rather, this procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School including any concerns, no matter how remote or apparently unsubstantiated, related to child protection issues.

- 3.2 Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery (either offering or accepting a financial or other benefit), dishonesty, acting contrary to the staff code of ethics, criminal activities, or failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment.

## **4. Confidentiality**

- 4.1 Staff who wish to raise a concern under this procedure are entitled to have the matter treated confidentially, and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate, to preserve confidentiality, that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity the Police will in all cases be informed.

- 4.2 Whether a written or oral report is made it is important that relevant information is provided including:
- The name of the person making the allegation and a contact point.
  - The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation).
  - The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.
- 4.3 The person making an allegation may be accompanied by a Benenden School colleague during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

All employees and witnesses must treat as confidential any information communicated to them as part of this process. .

You, and anyone accompanying you, must not make electronic recordings of any meetings conducted under this procedure

## **5. The Investigation**

- 5.1 Any member of staff is at liberty to express their concern to either the Director of Finance and Operations or the First Deputy or the Designated Safeguarding Lead for safeguarding concerns, either in writing or verbally. If the Director of Finance and Operations, First Deputy or the Designated Safeguarding Lead are the subject of concern then the member of staff should report their concern to the Headmistress. Should the concern be about the Headmistress, this should be referred to the Chairman of Governing Council.
- 5.2 Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution. Timescales will depend on the complexity of the initial inquiry, but the member of staff should receive feedback on the investigation and any conclusions reached within 10 working days. If this is not possible the member of staff will be advised of this fact.
- 5.3 A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence in the first instance with the First Deputy or the Director of Finance and Operations (depending on who was consulted first) and thereafter, if the matter is not resolved, with the Headmistress.
- 5.4 The manager will record details of the allegation gathering as much information as possible, (where possible, within 5 working days of receipt of the allegation) including:
- The record of the allegation:
  - The acknowledgement of the allegation;
  - Any documents supplied by the whistleblower

5.5 The investigator will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality. These may be school email or by letter.

## **6. External Procedures**

- 6.1 Where all internal procedures have been exhausted, a member of staff shall have a right of access to the School Council through the Vice-Chairman of Council.
- 6.2 It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes :-
- a. that exceptionally serious circumstances justify it;
  - b. that the School would conceal or destroy the relevant evidence;
  - c. that they would be victimised by the School; or,
  - d. where the Secretary of State has ordered it;
- 6.3 Where a member of staff feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are available. Outside of the School structures, government advice for whistleblowers is available at [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing).

## **7. Safeguarding Concerns**

Concerns about poor or unsafe safeguarding practices can be raised internally with the school's leadership team and/or safeguarding team and externally via the NSPCC Whistleblowing Advice Line

- Telephone: 0800 028 0285.
- Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk);
- Website: [www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line](http://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line)

Staff will be supported through this process.

Any concerns about risk of harm to a child should also be taken to the police and/or Kent Safeguarding.

## **8. Malicious Accusations**

False, malicious, vexatious or frivolous accusations will be dealt with under the School's Disciplinary Policy and Procedure.

## **9. Protection from Reprisal or Victimisation**

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

**All staff must comply with this policy. Any breach will be regarded as a disciplinary matter.**

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