

PRINCIPLES

We aim to:

- maintain the highest possible standards of openness, probity and accountability;
- provide an environment where staff, governors and contractors can report potential malpractice without fear of victimisation, discrimination or disadvantage;
- protect staff, governors and contractors from false or malicious allegations;
- deal with all allegations promptly and professionally ensuring the confidentiality of all parties concerned;
- apply the whistleblowing policy equitably in all circumstances.

Date of Review	August 2021			
Reviewed by	Deborah Kind   Director of Human Resources			
Date of Approval	<i>Pending</i>			
Approved by	Governing Body			
Date of Next Review	Summer 2022			
Location	L:drive	✓	Website	✓

## 1. INTRODUCTION

The staff and governors of Holland Park School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity; this is particularly important where the welfare of children may be at risk. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, Holland Park School has established the following whistleblowing policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion

Throughout this policy, the term whistleblower denotes the person raising the concern or making the complaint it is not meant in a pejorative sense.

Holland Park School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Holland Park School recognises that some concerns may be extremely sensitive and has therefore developed a system, which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

Holland Park School is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved. Many concerns arise out of misunderstanding or misinformation, and so it is anticipated that most matters of concern can be managed informally and individual concerns alleviated through discussion. The provisions of this policy apply primarily to matters of suspected fraud and impropriety and not matters of more general grievance, which would be dealt with under the Holland Park School grievance procedures.

## 2. APPLICATION

There are existing procedures within the academy to enable individuals to lodge a grievance or a complaint. The whistleblowing procedure is intended to cover major concerns that fall outside the scope of other procedures. The school would expect matters to be raised as soon as possible after the concern arises. In this respect it would not anticipate matters being raised retrospectively, other than where such matters do not materialise until time has lapsed since the alleged incident or concern. This principle is to ensure vexatious claims are not raised against the academy; for example by an aggrieved colleague.

A 'qualifying disclosure' means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest. These include but are not limited to:

- possible fraud and corruption;
- the unauthorised use of Academy funds;
- failure to comply with financial regulations;
- failure to comply with codes of practice;
- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to students, the public, as well as other colleagues;
- damage to the environment;

- a criminal conviction that has been, is being or is likely to be committed;
- the deliberate concealment of information relating to any of the above;
- other unethical conduct.

## 2.1 What action should the whistleblower take?

2.1.1 Holland Park School encourages the whistleblower to raise the matter internally in the first instance to allow those school staff and governors in positions of responsibility and authority, the opportunity to right the wrong and/or give an explanation for the behaviour or activity.

2.1.2 The whistleblower should in the first raise their concern with their line manager or a member of the Leadership Team, whichever is more appropriate.

2.1.3 The whistleblower may prefer to raise the matter in person, by telephone, or in written form marked private and confidential and addressed to one of the above. All matters will be treated in strict confidence and anonymity will be respected wherever possible. Alternatively, if the whistleblower considers the matter too serious or sensitive to raise within the leadership of the school, the matter should be directed in the first instance to the Chair of Governors; if the Chair of Governors is implicated then the matter should be raised with the ESFA.

2.1.4 In addition information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

### **Public Concern at Work**

3rd Floor, Bank Chambers  
6 - 10 Borough High Street  
London SE1 9QQ  
020 7404 6609

## 2.2 How will the matter be progressed?

2.2.1 The individual(s) in receipt of the information or allegation [the investigating officer(s)] will consult, in confidence, with the Academy Head and Director of HR, subject to 2.1.3. Given the whistleblower's choice of who received his/her disclosure, it would be usual for the individual(s) in receipt of the information or allegation to carry out a preliminary investigation and, consequently, be the investigating officer(s). Should, however, the Academy Head, in consultation with the Director of HR, conclude that this would be unsuitable (for reasons such as seniority or compromise), an alternative investigating officer(s) will be allocated. Should this occur, the whistleblower will be advised of the decision and the reason.

2.2.2 The preliminary investigation 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, for example involvement of other members of school staff, legal or HR advisors, the police, the Department for Education, the Education, Skills and Funding Agency.

2.2.3 If allegations relate to any concerns about adult conduct or actions towards children, the school will follow the RBKC's safeguarding procedures.

2.2.4 Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the governing body, 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.

2.2.5 The whistleblower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governors.

2.2.6 If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the procedures for appeal are specified at 2.6.

### **2.3 Respecting confidentiality**

Wherever possible Holland Park School seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect him/her from reprisals. Holland Park School will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised. Whistleblowers will be protected from suffering detriment, bullying or harassment from another employee and Holland Park School will consider any necessary disciplinary or corrective action appropriate to the circumstances.

### **2.4 Raising unfounded malicious concerns**

Individuals are encouraged to come forward with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of sanction appropriate to the circumstances.

### **2.5 Conclusion**

Existing good practice within Holland Park School, in terms of its systems of safeguarding, internal control, both financial and non-financial, and the external regulatory environment in which the school operates, ensure that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned.

### **2.6 Appeal**

2.6.1 An employee who raises a concern and is not satisfied with the outcome or action proposed, may appeal against the decision to a more senior member of staff within the school. An appeal should be made to the Director of Human Resources within five days of receipt of the outcome letter, subject to 2.1.3. The Academy Head will determine who should hear the appeal. The appeal should be completed within one month.

2.6.2 After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied they may raise the matter further by contacting an outside

agency: see 2.1.3, 2.1.4.

2.6.3 An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the Academy Head about the outcome of the report. The Academy Head will consider these representations and may direct further investigation or review as appropriate.

## 2.7 Timescales

Action	Timescale	By Who
Written acknowledgement of a disclosure made in writing or if received verbally, including an outline of process to be followed.	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirm in writing to the person complained about, that a disclosure has been received and that it is being considered. Outline the process to be followed.	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated Letters sent to employee and person complained about.	Within four weeks of receipt of disclosure	Person appointed to investigate – the investigating manager
Written confirmation of outcome of investigation and action to be taken. Report sent to Academy Head with recommendations and what action to take. Letters sent to employee and person complained about	Within three months of receipt of disclosure	Person appointed to investigate – the investigating manager
Appeal against outcome of investigation.	Within five working days from receipt of outcome	Employee who makes the disclosure
Appeal carried out.	Within one month of appeal	Manager appointed to hear the appeal

2.7.1 While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress.

## 2.8 Recording and monitoring

2.8.1 The Director of Human Resources will maintain a register containing all concerns that are brought to the school's attention. These will be reported, where they arise, on a termly basis to the Chair of Governors.

2.8.2 All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 2018 (see Data Protection Policy). Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

## 2.9 Process

2.9.1 The investigating manager will have the following responsibilities to the school:

- arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague;
- establish the facts/obtain statements/collect documentary evidence;
- maintain detailed records of the investigation process;
- make any recommendations for action - to be submitted to a more senior colleague;

2.9.2 The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- hold a formal meeting with the employee making the complaint to discuss the matter;
- inform them of their right to be accompanied at any interview by their trade union representative or work colleague;
- keep the employee up to date with progress on the matter and agree timescales for action;
- notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview;
- give details of employee support mechanisms available;
- inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence;
- advise in writing the procedure to be followed;
- give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence.

2.9.3 The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required.

2.9.4 Where necessary the school will provide support, counselling or mediation, in order to ensure normal working relationships are resumed as effectively as possible.