



POLICY AND PROCEDURE:

WHISTLEBLOWING POLICY

Claremont Fan Court School (“the school”) has adopted this policy and procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about issues such as fraud, malpractice (including maladministration), health and safety, criminal offences, miscarriages of justice, failure to comply with legal obligations, inappropriate behaviour or unethical conduct. Other individuals performing functions in relation to the school, such as agency workers, external invigilators and contractors, are also encouraged to use it. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

The school is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with the staff code of conduct policy. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

Aims of the policy

The school’s policy on whistleblowing is intended to demonstrate that the school:

- will not tolerate malpractice, including malpractice or maladministration in public exams;
- encourages staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate;
- respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
- will only invoke the school’s disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations. The policy seeks to reassure staff that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken; and
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

Scope of this policy

This procedure is separate from the school’s adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise concerns relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the school’s grievance policy and procedure or equal opportunities and anti-harassment and bullying policy should be used, as appropriate. If you are uncertain whether something is within the scope of this procedure you should first seek advice from the Head or the Bursar.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the school.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing, malpractice or dangers at work. Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, 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 (negligence), malpractice before, during or after any exams or assessments have taken place.

A whistle-blower is a person who raises a genuine concern relating to suspected malpractice within the school and is protected by the Public Interest Disclosure Act 1998, provided they are acting in the public interest. If you have any genuine concerns related to suspected malpractice affecting any of the school's activities (a whistleblowing concern) you should report it under this procedure.

If staff and volunteers feel unable to raise an issue with the school or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

- Protect, an independent whistleblowing charity (helpline: 020 3117 2502, email: whistle@protect-advice.org.uk, website: <https://protect-advice.org.uk/contact-protect-advice-line/>).
- The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk).

Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.

If there is evidence of criminal activity, then the police will in all cases be informed.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Head or Bursar and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out above.

Safeguarding

Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with Keeping Children Safe in Education (DfE, September 2022). In particular:

- Safeguarding / Safeguarding Policy - you should raise any initial safeguarding concerns about a child with the Designated Safeguarding Lead in accordance with the school's safeguarding policy and procedures.
- Safeguarding / member of staff - you should raise any concerns about another staff member with the headmaster, head of preparatory school, head of pre-preparatory and nursery (hereinafter referred to as "the head"), or if the concern is about the head, with the chair of governors (without first notifying the head) in accordance with the procedures in section 11 of the school's safeguarding policy.
- Whistleblowing Policy - if you are concerned that the school's safeguarding policy is not being followed correctly, you should follow this procedure to raise concerns about poor or unsafe

safeguarding practices at the school, or potential failures by the school or staff to properly safeguard the welfare of pupils.

- Children's Social Services - in exceptional circumstances, or if at any point there is a risk of immediate serious harm to a child, a referral should be made directly to the children's social care (and if appropriate the police) immediately.

Further guidance can be found in the whole school policy for Safeguarding incorporating Child Protection. All staff have appropriate training so they understand that they are expected and encouraged to raise any concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment, in accordance with this policy.

Exam malpractice

Examples of exams-related malpractice may include:

- Failure to comply with exam regulations as set out by the Joint Council for Qualifications (JCQ) and its awarding bodies
- A security breach of the exam paper
- Conduct of school staff which undermines the integrity of the exam
- Unfair treatment of candidates by either giving an advantage to a candidate/group of candidates (e.g. by permitting an access arrangement which is not supported by appropriate evidence) or disadvantaging candidates by not providing access to the appropriate conditions (providing a 'level playing field')
- Possible fraud and corruption (e.g. accessing the exam paper prior to the exam to aid teaching and learning or to give an unfair advantage to a relative or friend where there is a conflict of interest)
- Abuse of authority (e.g. the head of centre/members of the Senior Leadership Team overriding the JCQ and awarding body regulations)

Raising a whistleblowing concern

The whistleblowing procedure to follow depends on:

- a) how serious your concern is;
- b) what or who the concern is about; and
- c) to whom the whistle-blower feels most comfortable talking.

Stage one

Procedure: We hope that in many cases you will be able to raise any concerns with your line manager or head of department. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Head, Deputy or Bursar. In the event that your head of department or manager is involved in the suspected wrongdoing, or where the matter is more serious you shall be entitled to proceed directly to Stage Two of this procedure.

Response: You can expect a response detailing to whom the disclosure has been notified or any action taken within 5 working days of your head of department or manager being made aware of the disclosure.

Stage two

Procedure: If no response is forthcoming after 5 working days, or if your head of department or manager is involved in the suspected wrongdoing, or if the matter is more serious, or if you feel that your concern has not

been addressed, or if you prefer not to raise it with them for any reason, you can raise a whistleblowing concern to the Head, Deputy or the Bursar directly.

Response: You can expect a response detailing any action taken within 5 working days of the member of the Head, Deputy or the Bursar becoming aware of the disclosure.

Stage three

If you do not receive a response from the Head, Deputy or the Bursar within 5 working days, or if you feel unable to approach them directly, the Chair of Governors should be the first point of contact.

How the school will handle the matter

Whichever route you take, the school will initially assess what action will be taken. This may involve an internal inquiry (a brief informal fact-finding exercise) or a more formal investigation. The school will tell you who is handling the matter, how you can contact that person and a meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this procedure. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. You will be kept informed of the progress of the investigation and its likely timescale. Whenever possible and subject to third party rights, you will be informed of the resolution. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If, following the investigation, it is clear that matters cannot be fully dealt with internally, external authorities, such as the Health and Safety Executive, the Local Authority Designated Officers (LADOs) or the police, may become involved.

If you are dissatisfied with the outcome of the school's internal investigation procedure you may also refer to the school's grievance procedure or you have a right to raise it in confidence with the Governing Body. Alternatively, you can follow the external procedure below.

External Procedures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in school. In most cases you should not find it necessary to alert anyone externally.

However, where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

In the case of suspected exam malpractice, if you do not feel safe raising the issue within the centre (the school), or you have done so and are concerned that no action has been taken, you could consider making your disclosure to a malpractice expert at the awarding body for the qualification where malpractice is suspected or to Ofqual. In order to investigate the concerns effectively, you should provide the awarding body with as much relevant information as possible, which may include:

- The qualifications and subjects involved
- The names of staff/candidates involved
- The regulations breached/specific nature of the suspected malpractice
- When and where the suspected malpractice occurred
- Whether multiple exam series are affected
- If the issue has been reported to the centre (the school) and what the outcome was
- How the issue became apparent

It will very rarely, if ever, be appropriate for you to alert the media.

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 individual reasonably believes:

- that exceptionally serious circumstances justify it;
- that the school would conceal or destroy the relevant evidence;
- where they believe they would be victimised by the school; or
- where the Secretary of State has ordered it.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Malicious accusations

Staff should also be aware that all false, malicious, vexatious or frivolous accusations will be dealt with under the school's disciplinary procedure.

Protection from reprisal or victimisation

No member of 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 whistleblowing procedures outlined in this policy. If you believe that you have suffered any such treatment, you should inform the Head or Bursar immediately. If the matter is not remedied, you may raise it formally using the school's grievance procedure.

No member of staff must threaten or retaliate against whistleblowers in any way; such conduct may be subject to disciplinary action.

Data protection

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its data protection policies. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.