



# Cobham Hall

Cobham Hall

Whistleblowing Policy

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## Whistleblowing Policy

### 1. Introduction

'The Foundation' means the Mill Hill School Foundation which comprises - Mill Hill School, Mill Hill International, Belmont School, Grimsdell School, Cobham Hall, Keble Prep and Lyonsdown School. The term 'School' in this Policy shall refer to each of these schools, as appropriate.

The Foundation 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, a failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

### 2. About this Policy

The Foundation is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards. 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.

The Foundation's policy on whistleblowing is intended to demonstrate that it:

- will not tolerate malpractice
- 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 invoke the Foundation's disciplinary procedure in the case of false, malicious, vexatious or frivolous allegations; and
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff

### 3. Procedure

This procedure is separate from the Foundation's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise grievances about their personal employment situation. If you are uncertain whether something is within the scope of this procedure you should seek advice from the HR Manager, the Head or the Director of Finance and Resources (DFR).

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

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, failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment.

A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the Foundation. If you have any genuine concerns related to suspected malpractice affecting any of the Foundation's activities (a whistleblowing concern) you should report it under this procedure.

If staff and volunteers feel unable to raise an issue with the Foundation 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, previously known as Public Concern at Work (helpline: 020 3117 2502, email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk), website: [www.pcaw.co.uk](http://www.pcaw.co.uk))

- The NSPCC whistleblowing helpline (telephone: 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

## 4. Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. The Foundation encourages employees to put their name to an allegation as this can assist with a proper investigation, by obtaining further information from you if necessary. However, concerns expressed anonymously will be considered at the discretion of the Heads, CEO and DFR, in conjunction with Governors. The Foundation HR Manager may also be consulted.

In exercising this discretion, the factors to be taken into account include:

- the seriousness of the issues raised;
- the validity of the concern;
- the likelihood of confirming the allegation from other sources.

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the Foundation, are more likely to be considered, even though made anonymously.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the HR Manager, the CEO or DFR 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. If you still believe it is essential to raise a concern confidentially, we will make every effort to keep your identity confidential. 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.

## 5. Raising a Whistleblowing Concern

### 5.1 Safeguarding Concerns

If your concern relates to Safeguarding, the whistleblowing procedure is covered in each school's Safeguarding and Protecting the Welfare of Pupils Policy.

In summary all staff and volunteers must report to the Designated Safeguarding Lead (DSL) any concerns or allegations about Foundation/School practices which are likely to put pupils at risk of abuse or other serious harm. In addition, they should report low level concerns as referenced in the current version of the DfE Guidance Keeping Children Safe in Education (KCSIE) that an adult working in or on behalf of the school or college may have acted in a way that is inconsistent with the Foundation's Staff Code of Conduct.

Any concern with the behaviour of colleagues or allegation made against a member of staff or volunteer, or the DSL, should immediately be reported as follows:

- Staff attached to a Foundation School should inform the Head of the School or, if the Head is absent, the CEO or the HR Manager.
- Support staff should inform the HR Manager, DFR or, if the DFR is absent, the CEO; If the allegation is against the Head or DFR, the member of staff must inform either the CEO, or in his absence, the Chair of the Court of Governors.
- If the allegation is against the CEO, the member of staff must inform the Chair of the Court of Governors (email to [clerktothegovernors@millhill.org.uk](mailto:clerktothegovernors@millhill.org.uk))

If staff (including governors, agency staff and volunteers) believe that a child is in immediate danger or at risk of harm, they should make an immediate referral to children's social care and/or the Police.

## 5.2 Other Concerns

For significant concerns that are outside of regular line management, you are at liberty to raise a whistleblowing concern to the CEO, Head of the School, DFR, Director of Operations (DO) or HR Manager. If the person expressing the concern feels unable to approach the CEO, Head of the School, DFR, DO or HR Manager directly, then the Chair of the Court of Governors should be the first point of contact.

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 progress and, whenever possible and subject to third party rights, 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 you are not satisfied that your concern is being properly dealt with you will have a right to raise it in confidence with the Governing Body.

## 6. External Procedures

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).

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 Foundation would conceal or destroy the relevant evidence
- where they believe they would be victimised by the Foundation; or
- where the Secretary of State has ordered it

## 7. The Media

Even where extreme circumstances are thought to exist, you should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and/or where your concern is disclosed for personal gain you will lose your whistleblowing rights.

The Foundation will consider this to be serious misconduct and immediate disciplinary action may be taken against you.

## 8. Malicious Accusations

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

## 9. 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 following the Whistleblowing procedures.

## 10. Review

This Review: May 2023

Next review: May 2025

Approved by the Nomination and Governance Committee of the Court of Governors, on 11<sup>th</sup> May 2023.