

# Whistle Blowing



## The British Muslim School

You are the best nation raised up for humankind. You enjoin righteousness, forbid corruption and you believe in Allah. Al- Quran, Surah Al-Imran, ayah 110

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## **Aim of the Policy**

1. The British Muslim School is committed to high standards of conduct and to compliance with legal obligations and good practice. It wants malpractice to be pointed out and dealt with and expects its employees, and others who help to deliver its services, to help with that.

2. This policy encourages employees to raise genuine concerns as “whistleblowers”, and provides a procedure for doing so. It explains how those who make public interest disclosures reasonably and in good faith will be protected from detriment such as victimisation or discipline. Often, that involves treating the disclosure confidentially, including protecting the whistleblower’s identity.

3. Who is protected by the Policy?

4. You are protected if you work for The British Muslim School as:

An employee

An agency employee

A trainee

A worker who provides services on behalf of the School

The policy does NOT apply to raising grievances about an employee’s personal situation and thus, does not replace existing procedures for personal differences or conflicts. If you have concerns in this area you should consult the School’s Grievance Policy or SMT

5. What Kind of Disclosures are covered?

Whistle-blowing involves a disclosure which tends to show one or more of the following:

A criminal act has been, is being or is likely to be committed

Someone has failed, is failing or is likely to fail to comply with legal obligations

Health and safety risks, including risks to the public as well as to other employees

Damage to the environment

The unauthorised use of public funds

Possible fraud and corruption

Inappropriate or improper conduct

Serious failure to comply with appropriate professional standards

Abuse of children and vulnerable adults

Other unethical conduct

6. What is expected of the Whistleblower?

If you make a disclosure to someone within the school, you are expected to:

Make the disclosure in good faith; and

Have a reasonable suspicion about the malpractice; and

Reasonably believe that your information, and any allegation in it, is true; and Not make the disclosure for personal gain

7. The conditions for outside disclosures are one or more of the following to apply:

You reasonably believe you would suffer detriment if you made the disclosure to the School and you reasonably believe the evidence is likely to be concealed or destroyed; or

You have already made the disclosure to the School.

8. How is the Whistleblower Protected?

If you act in good faith and comply with the expectations of paragraph 6 & 7, you will be protected from any detriment as a result of making a disclosure. In particular, you will be protected from harassment or victimisation.

9. If you want your identity to remain confidential, this will be observed as far as possible. Should it not be possible to resolve a concern without revealing your identity (for example, because your evidence is needed in court or in a subsequent internal disciplinary hearing), we will discuss with you whether we should take the matter forward at all and if so, how we will do so. We will also discuss with you how best to protect your interests.

10. Anonymous disclosures will be considered to the extent that it is reasonable and practicable to do so. Anonymous allegations are often difficult to consider due to the need to confirm or follow up evidence.

11. Failure to comply with the expectations of paragraph 6 & 7, including, making a frivolous or malicious disclosure may result in disciplinary action being taken.

### **Procedure for Dealing with a Disclosure**

12. Disclosures will be dealt with under the following stages. Not all disclosures will follow the full sequence of Stages, subject to the particular circumstances of each case.

#### **Stage 1 – Informal Resolution**

13. If an individual is aware or concerned about misconduct taking place inside the organisation that he or she thinks may damage or undermine the interests of the wider public they are advised in the first instance to share the details with SMT to see if it can be resolved without a formal procedure. This may be done orally or in writing.

When making a disclosure, give as much information as possible about:

The nature of the problem

The background (with dates if possible)

Who is involved?

The reasons you are concerned

The Designated Safeguarding Lead (DSL) should decide on the basis of the information so provided, whether the matter can be resolved informally and either:

- Explain how the matter can be resolved; or
- Refer the matter for formal consideration; or
- Advise the individual that they may raise it formally.

14. If the individual is unable to raise the matter with his or her line manager they are advised to speak to the Principal who should consider whether the matter can be resolved informally as set out above or referred for formal consideration as detailed below.

### **Stage 2 – Formal Disclosure**

15. If the individual feels unable to discuss their concerns with any of the above, or does not accept that the response at the informal stage is sufficient, they can make a formal disclosure by contacting the Chair of the Governing body.

16. At this stage, the person making the disclosure or ‘Whistleblower’, will be asked whether he or she wishes their identity to be disclosed and will be reassured with regard to protection from possible reprisals or victimisation.

17. He or she may also be asked to consider making a written or verbal statement. In such cases, a brief summary of the interview will be made which will be agreed by both parties.

18. Details of the disclosure will be presented for the consideration by the Governors, including recommendations for any further action.

### **Stage 3 – Initial Response to a Formal Disclosure**

19. The Governing body will take any necessary urgent action and then decide how to respond to the disclosure, having regard to all the circumstances, including the evidence available. Preliminary inquiries may be made to help decide how best to respond in the public interest. Depending on the nature of the issue raised, the response may be one or more of the following:

- A management investigation
- An internal audit investigation
- A disciplinary investigation
- Referral to the police
- An independent investigation
- Take no action for lack of sufficient evidence

20. The Whistleblower will be notified of the intended response to his or her disclosure and the reasons for it.

#### **Stage 4 – Management Investigation**

21. Where the decision has been made to carry out a Management Investigation, a senior manager will be appointed as an investigating officer. He or she will agree terms of reference with the Governing body and identify a date by when the investigation will be completed.

22. The investigation may need to be carried out under the strictest confidentiality. The investigation is essentially a 'fact finding' exercise, to establish what further action may be necessary and make recommendations accordingly.

23. The Investigating Officer will have regard to the human rights of any individuals affected by the investigation. The investigation may serve as the information gathering part of the school disciplinary procedure. In such cases this will be made clear to any people who may be subject to such investigation and the usual right to be represented will be made clear.

#### **Stage 5 – Responding to Management Investigation**

24. The Governing body will decide whether any further action is necessary as a result of the investigation report and recommendations. If the result of the investigation is that there is a case to be answered by any individual, the recognised procedure will be followed.

25. Where there is no case to answer, but the Whistleblower held a genuine concern and acted in accordance with paragraphs 6 & 7 of this policy, the Governing body will ensure that they suffer no reprisals or victimisation, as far as is reasonably practicable.

26. Where it is established that false allegations have been made and the Whistleblower has not acted in accordance with paragraphs 6 & 7 of this policy, disciplinary actions may be taken against the Whistleblower.

#### **Stage 6 – Confirmation of the Outcome**

27. So far as legally possible and subject to rights of confidentiality, the Whistleblower will be informed of the outcome of the investigation and how the matter has been resolved.

#### **Responsibility for this Policy**

28. The Governing body is responsible for keeping this policy up-to-date and for overseeing how it is operated. This includes:

- Confirming representatives who will be responsible for actions as outlined in the policy

- Ensuring records of all disclosures are made and their outcomes recorded

- Reporting as appropriate and necessary to relevant Directors, the Directors' Board and Members.