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Chetham's  
School of Music

## **Whistleblowing Policy (Disclosures In The Public Interest)**

### **Background**

**The Public Interest Disclosure Act 1998** protects employees who raise legitimate concerns about specified matters from being dismissed by Chetham's or from being subjected to detrimental treatment or victimised by either Chetham's or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging employees to make disclosures about fraud, misconduct, bribery, or other wrongdoing to Chetham's, without fear of reprisal, so that problems can be identified, dealt with, and resolved quickly.

### **Introduction**

This policy covers Chetham's Hospital, Chetham's Library and Chetham's School of Music. The Feoffees, School Governors, and staff of Chetham's seek to carry out all aspects of Chetham's business and activity with full regard to high standards of conduct and integrity. In the event that Feoffees, School Governors, staff, parents, or the Chetham's community at large, become aware of activities which give cause for concern, we have established the following Whistleblowing Policy, or Code of Practice, 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 and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies*, published in May 1996.

Chetham's is committed to tackling abuse and malpractice, in any form such as safeguarding concerns, bullying behaviour, fundraising malpractice, fraud and any other types of abuse or malpractice if/as they occur and treats these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within Chetham's environment, but also has recourse to an external party outside the management structure of the organisation.

Chetham's policy supports workers who raise protected disclosures. Employees must not: victimize; subject to detrimental treatment; or retaliate against; a Whistleblower who has made a protected disclosure.

Whistleblowers are protected, provided they reveal information of the right type (known as a "qualifying disclosure") and they reveal that information to the right person and in the right way (known as making a "protected disclosure").

## **Qualifying Disclosures**

Certain kinds of disclosure qualify for protection. These are disclosures of information which the Whistleblower reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

1. a criminal offence, including offences such as theft, fraud or acts of bribery
2. the breach of a legal obligation
3. a miscarriage of justice
4. a danger to the health and safety of any individual
5. damage to the environment
6. deliberate concealment of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

The Whistleblower's belief must be reasonable, but it need not be correct. It might be discovered subsequently that they were, in fact, wrong or mistaken in their belief, but they must be able to show that they held the belief and that it was a reasonable belief to hold in the circumstances at the time of disclosure.

Note that it is not the Whistleblower's responsibility to investigate the matter, it is Chetham's responsibility.

The Whistleblower must also reasonably believe that their disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal rather than a wider public interest, for example a disclosure about a breach of the terms of their own contract of employment, which would be dealt with under Chetham's grievance procedures.

## **Protected Disclosures**

For a qualifying disclosure to be a protected disclosure, the Whistleblower needs to make it to the right person and in the right way. There are a number of methods by which a protected disclosure can be made, but Chetham's always encourages all employees to raise any disclosure internally in the first instance.

The Whistleblower is protected if a qualifying disclosure is made to either:

- Chetham's or
- where the Whistleblower reasonably believes that the relevant failure relates solely or mainly to the conduct of a person other than Chetham's or any other matter for which a person other than Chetham's has legal responsibility, to that other person.

The Whistleblower will not be penalised for raising a qualifying disclosure even if it is not upheld unless the complaint was both untrue and made with malice.

We are committed to maintaining 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.

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 penalty appropriate to the circumstances.

## **What Action Should The Whistleblower Take?**

Individuals are encouraged to raise any qualifying disclosures that they may have by following the disclosure procedure set out below. Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.

Chetham's encourages the Whistleblower to raise the matter internally in the first instance to allow those in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

We have designated a number of individuals to specifically deal with such matters and the Whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter:

Paul Lee	Chair of Feoffees
Malcolm Edge	Chair of School Governing Body and Feoffee
Hannah Barker	Chair of Library Committee and Feoffee
Tom Redmond	Joint Principal
Nicola Smith	Joint Principal
Mrs Sarah Newman	Bursar
Mrs Barbara Owen	Designated Safeguarding Lead

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-named individuals.

NB: If **safeguarding concerns** are raised the person to inform is the Joint Principal (NS) for concerns regarding any members of staff but if concerns are about the Joint Principal (NS) then the person to inform is Malcolm Edge, Chair of the School Governing Body. Safeguarding concerns will always include written notes and a first-hand account will be passed to the Designated Officer - DO (previously referred to as the Local Authority Designated Officer - LADO) within 24hrs of the concern being raised. The Safeguarding Concern Form (found in the Safeguarding & Child Protection Policy) may be used to record initial concerns but if the matter is to go to the DO, please use the DO referral form (also found in the Safeguarding & Child Protection Policy). Some staff have reporting permissions for the Child Protection Online Management System (CPOMS) which may be used to report a whistleblowing concern to the Joint Principal (NS) or Barbara Owen as DSL. Low level concerns relating to Staff Conduct can be raised and dealt with by the School and reported by CPOMS or in person to the Joint Principal (NS).

Safeguarding concerns raised by students may also be reported via the "Be Safe" button on Chetham's intranet system or through the Safeguarding Box, located near the entrance to the School Library, which are checked on a regular basis.

All matters will be treated in strict confidence and anonymity will be respected whenever possible.

## **The Disclosure Procedure**

This procedure applies to all permanent and temporary employees and workers. In addition, third parties such as volunteers, agency workers, consultants and contractors and any others who perform functions in relation to Chetham's should use it.

## **How Will The Matter Progress?**

All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, the Whistleblower will be interviewed and asked to provide a written witness statement setting out the nature and details of their qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, Chetham's must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. Chetham's reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the Whistleblower raised the matter.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the appropriate Trustee 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 to the Police.

Whenever possible, 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 appropriate Trustee Body. If no action is to be taken, the reasons for this will be explained to the Whistleblower.

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 concerns should be raised with the investigating officer(s) and/or the appropriate Trustee Body.

The appropriate Trustee Body is:

For <b>School</b> business	-	The School Governing Body
For <b>Library</b> business	-	The Library Committee (acting on behalf of the Feoffees)
For <b>Hospital</b> business	-	The Feoffees

If, on conclusion of the above stages, the Whistleblower reasonably believes that appropriate action has not been taken, they may then report the matter externally to the proper authority in accordance with the provisions of the Act. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made and the Whistleblower can access these at:

[www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2).

If your concern is specifically related to the fundraising practice at Chetham's, you can also contact the Fundraising Regulator: [www.fundraisingregulator.org.uk](http://www.fundraisingregulator.org.uk). However, Chetham's always encourages everyone to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

## Respecting Confidentiality

Wherever possible, Chetham's seeks to respect the confidentiality and anonymity of the Whistleblower and will as far as possible protect him/her from reprisals. We will not tolerate any attempt to victimise the Whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

## Independent Advice

In the case of safeguarding it is always possible to contact:

- **Childline:** 0800 1111
- **Manchester Safeguarding Children Board:** 0161 234 3330  
manchestersafeguardingboards@manchester.gov.uk

The **NSPCC** whistle-blowing helpline is 0808 0280285.

Employees and others who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity **Public Concern at Work** on 0203 31172520 or email [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.

Free information and advice can also be obtained from the **Advice, Conciliation and Arbitration Service (ACAS)** – Telephone 08457 474747

## **General Principles**

- Be aware of the importance of eliminating fraud, fundraising malpractice, misconduct, bribery or other wrongdoing at work. Report anything that you become aware of that is illegal or unlawful
- Victimisation of an employee or worker, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by Chetham's, may be a disciplinary offence and will be dealt with under Chetham's disciplinary procedures. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in your summary dismissal.
- Be aware that you can also be held personally liable for any act of victimisation or detrimental treatment of an employee or worker on the ground that they made a protected disclosure.
- You should immediately draw the attention of your line manager to suspected cases of victimisation or detrimental treatment related to either you or another employee or worker having made a protected disclosure.
- Covering up someone else's wrongdoing may also be a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, such as your line manager.
- Your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment.
- Finally, maliciously making a false allegation will be a disciplinary offence.

## **Conclusion**

At Chetham's there are clear routes for reporting all concerns including abuse, safeguarding, bullying etc. There is also existing good practice in terms of systems and of internal control both financial and non-financial, and the external regulatory environment in which the organisation operates. These 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 Chetham's. This document is a public commitment that concerns are taken seriously and will be actioned.