



Integrity, Fellowship and Endeavour

WHISTLE-BLOWING POLICY

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| Author: | Matthew Evans |
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| Status: | Non-statutory |

1. Introduction

- 1.1 Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to the school's activities. The purpose of this document is to set out the Governing Board's policy and procedure for dealing with reports of certain types of wrongdoing. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.
- 1.2 Wrongdoing covered by this policy includes (not exclusively) the following:
 - 1.1.1 A criminal offence, for example fraud
 - 1.1.2 Wrongdoing which puts someone's health and safety in danger
 - 1.1.3 Risk or actual damage to the environment
 - 1.1.4 A miscarriage of justice
 - 1.1.5 Breaking the law
 - 1.1.6 Covering up wrongdoing
- 1.3 This policy does not cover the following:
 - 1.3.1 Personal grievances, for example bullying, harassment, discrimination (see the Grievance Policy)
 - 1.3.2 Allegations of harm to a child (see the Allegations of Abuse by Staff Policy and/or Safeguarding Policy)
 - 1.3.3 General concerns or complaints about the school's operations (see Complaints Procedure)
- 1.4 The 'whistleblower' is any worker who suspects wrongdoing or danger in relation to the school's activities and chooses in the public interest to bring this to the attention of the school or other appropriate authority.

2. Background

- 2.1 The Governing Board and school is committed to the highest possible standard of honesty, integrity, probity and accountability. In line with that commitment, those with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. This policy makes it clear that they can do so without fear of reprisal; it is intended to encourage and enable people to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school. It is recognised that cases may have to proceed on a confidential basis. The Public Interest Disclosure Act (1998), as amended, is designed to protect workers, who make certain disclosures of information in 'the public interest' from detriment and/or dismissal so that they can express their concerns without fear or harassment or victimisation. This policy builds on the provisions of the Act and Government advice in relation to the Act as it relates to schools.

2.2 This policy does not form part of any employee's contract of employment and it may be amended at any time. A copy of the current policy will be available on the school's website.

3. Aims of the Policy

3.1 This policy aims to:

- provide avenues for individuals to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure individuals that they will be protected from reprisals or victimisation for whistle-blowing;
- allow individuals to take the matter further if they are dissatisfied with the school or Governing Board's response.

3.2 With regard to employees, before initiating the procedure you should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern; and
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.3 All workers in the school have the right to raise concerns under this Whistleblowing Policy, which could be about the actions of other employees, private contractors, governors, volunteers or the Local Authority.

4. Safeguards

4.1 Harassment or Victimisation

4.1.1 The Governing Board recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Board will not tolerate harassment or victimisation and will take action to protect individuals when they raise a concern and what they consider to be the public interest

4.1.2 In the case of employees, this does not mean that if an employee is

already the subject of internal procedures such as disciplinary or redundancy procedure, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing Policy.

4.2 Confidentiality

4.2.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Governing Board will make every effort to protect an individual's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the school to address the concern and in some circumstances, the school may have to disclose the identity of the employee without their consent; for example, in court proceedings. This will be discussed with the employee first.

4.3 Anonymous Allegations

4.3.1 Individuals are encouraged to put their name to an allegation in order to ensure they receive the protection of the Public Interest Disclosure Act. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the school. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

4.3.2 Anonymous allegations may be submitted in writing to the Headteacher or Chair of Governors.

4.4 Untrue Allegations

4.4.1 If an individual makes an allegation believing it to be in the public interest, but it is not confirmed by the investigation, no action will be taken against that individual. If, however, we conclude that an individual has made malicious or vexatious allegations, or with a view to personal gain, action may be taken against that individual, such as disciplinary action in the case of an employee.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the individual who raised the concern, who will be informed that the school deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees

- 4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

5 How to raise a Concern

- 5.1 As a first step, an individual (“the whistleblower”) should normally raise concerns with an appropriate manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an individual believes that an appropriate manager or that manager's superior is involved, s/he should approach the Headteacher or Chair of Governors (The “Appropriate Manager”). An individual (including the Headteacher and members of the leadership team) can by-pass the direct management line and the Governing Board if s/he feels the overall management and Governing Board of a school is engaged in an improper course of action or not taking action where action is required. In this case please refer to section 7 below.
- 5.2 Concerns are better raised in writing. The whistleblower should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If the individual does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.
- 5.3 The earlier an individual expresses the concern, the easier it is to take action.
- 5.4 Although a whistleblower is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern and that the disclosure is in the public interest.
- 5.5 In the case that the whistleblower is an employee, it may be appropriate for the employee to ask the trade union to raise a matter on their behalf or to consult their trade union before raising their concern.
- 5.6 At each meeting under this policy the individual may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

The Procedure

- 6.1 Once the Appropriate Manager has been informed about a concern and that the individual wishes to ‘blow the whistle’ they should respond by arranging to meet with the individual to discuss the concern(s) as soon as possible.
- 6.2 Stage One:
- 6.2.1 At the initial meeting the Appropriate Manager should establish that:
- there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistle-blowing

Policy.

6.2.2 The Appropriate Manager should ask the whistleblower to put their concern(s) in writing, if s/he has not already done so. If the whistleblower is unable to do this the Appropriate Manager will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Appropriate Manager should make notes of the discussions with the whistleblower. The individual's letter and/or Appropriate Manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the individual is particularly concerned about the situation.

6.2.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The Appropriate Manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

6.2.4 The Appropriate Manager should explain to the whistleblower

- what steps s/he intends to take to address the concern;
- how s/he will communicate with the individual during and at the end of the process; and that a written response will be sent out within ten working days.

6.3 Stage Two:

6.3.1 Following the initial meeting with the whistleblower, the Appropriate Manager should consult with the Headteacher or chair of governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

6.3.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the following factors should be taken into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

6.3.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of

the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry;
- be addressed by a different school policy or procedure.

6.4 Stage Three

6.4.1 Within ten working days of a concern being received, the Appropriate Manager must write to the whistleblower:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the whistleblower whether any initial enquiries have been made; and
- telling the whistleblower whether further investigations will take place, and if not why not; and/or
- letting the whistleblower know when s/he will receive further details if the situation is not yet resolved; and
- providing the whistleblower with details of whom to contact should s/he be dissatisfied with this response (see 7.1 below).

7. **Raising Concerns outside the School**

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the individual should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the individual to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Individuals are strongly encouraged to seek advice before reporting a concern to anyone external. If a whistleblower is not satisfied with the school or Governing Board's response, the manager should ensure that s/he is made aware with whom s/he may raise the matter externally:

- 'Public Concern at Work' www.protect-advice.org.uk;
- recognised trade union;
- a senior LA officer ;
- the Education & Skills Funding Agency (ESFA);
- relevant professional bodies or regulatory organisations;
- a solicitor;

7.2 With regard to employees, the manager should stress to the individual that if s/he chooses to take a concern outside the school, it is the employee's

responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

- * *Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

8. Monitoring and Review

- 8.1 The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Governing Board as necessary.