

Whistleblowing

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1. Introduction

1.1. Staff care about their jobs, their working environment and the goals which the school is striving to achieve. When staff become aware of wrongdoing taking place, this concerns them and they want to be able to report it.

1.2. PURPOSE

The purpose of the Whistleblowing Policy is twofold:

- to provide staff with a clear and safe route for reporting concerns; and
- to gather information about concerns and, once investigated, to determine whether further action needs to be taken.

1.3. Where it is decided that further action is necessary, this will be conducted under the appropriate employment policy, not under the Whistleblowing Policy.

1.4. DUTY TO REPORT

The school's priorities and its services to the community are severely jeopardised if employees are engaged in any form of wrongdoing. The school is reliant on such matters being reported in order that they can be stopped. It is therefore the duty of all employees to raise any concerns about known, or possible, wrongdoing through this Policy.

1.5. PROTECTION FOR EMPLOYEES

The Governing Body and School Leadership Team are committed to this Policy. Staff who reasonably raise a concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result. Providing that employees who raise a concern have good reason to believe that that wrongdoing is occurring and are acting in good faith, it does not matter if they are mistaken. If a person is victimised for having raised a concern, this will be treated as misconduct and may lead to disciplinary action being taken against the perpetrator.

1.6. WHEN SHOULD THE POLICY BE INVOKED?

If an employee has a concern about possible wrongdoing at work, they should report it under this Policy. 'Wrongdoing' covers a wide range of matters including: criminal offences, failure to comply with legal obligations, miscarriages of justice, financial maladministration, endangering the health or safety of individuals, and damage to the environment.

1.7. Where staff are aggrieved about issues directly affecting them, they should use the School's Grievance and Fair Treatment Procedure to pursue their concerns.

1.8. WHO DOES THE POLICY APPLY TO?

This Policy applies to all workers of the school. 'Worker' is as defined in section 43K of the Employment Rights Act 1996, as amended. This will therefore include employees, agency workers, contractors, and trainees.

1.9. LEGISLATION

In addition to the provisions of paragraph 1.5 above, the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide staff with further protection from detriment and dismissal for reporting concerns. Employees must comply with this legislation, particularly as regards to the nature of the information given and the person or body to whom it is being reported, in order to receive protection. Access to the relevant legislation is set out in section 3, 'Other Relevant Information'.

1.10. FINANCIAL IRREGULARITIES

Nothing in this Policy overrides the Governing Body's duties and responsibilities as set out in the 'Scheme for Financing Schools' or the Academies Financial Handbook. Should a line manager or other recipient of a concern (see paragraphs 2.4 to 2.6) require any advice or be unsure about their obligations with regard to financial matters, they should contact the Headteacher or Chair of Governors.

2. Process

2.1. CONFIDENTIALITY

- 2.1.1. All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly. A commitment is given to maintain confidentiality as far as is practicable.
- 2.1.2. Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of any person who reasonably raises a concern under this policy. Should there be any exceptional circumstances where the whistleblower's identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.
- 2.1.3. Any breaches of confidentiality may be considered under the Disciplinary Policy.

2.2. RAISING CONCERNS

2.2.1. Step 1

Staff who have a concern about wrongdoing should first raise it with a member of the School Leadership Team (see paragraph 1.10 for issues regarding financial matters). If the employee has any personal interest in the matter, s/he should disclose this at the outset.

2.2.2. Step 2

If staff feel unable to raise the matter with a member of the School Leadership Team, for whatever reason, there are other people to whom the concern can be reported:

- The Chair of Governors
- An official of the employee's trade union

2.2.3. Step 3

If an employee feels that the matter is so serious that they cannot discuss it with any of the above, they should contact the Department of Education and seek further advice.

- 2.2.4. For employees who feel unable to raise a concern with one of the people listed above, please refer to paragraph 4.

2.3. THE RESPONSE

- 2.3.1. If the person to whom the concern is notified ("the recipient") is a member of the School Leadership Team, s/he will assess the concerns and determine whether or not an investigation is appropriate. If it is decided that the matter will be investigated, then he/she (in consultation with the Headteacher) will decide whether to carry out the investigation him/herself or delegate the role of investigation manager to another appropriate person. Where the investigation is delegated to someone else, the investigation manager will be provided with a factual report, but the identity of the whistleblower will not be disclosed without the whistleblower's consent.

- 2.3.2. When an issue is reported outside the School Leadership Team, the recipient (i.e. one of the identified contacts set out at paragraphs 2.2.2 and 2.2.3) will assess the concerns and determine whether or not further investigation is appropriate. Where further action is required, the recipient will send a factual report to the Headteacher (if the Headteacher is the subject of the complaint on occasions it may be more appropriate that the report is sent to the Chair of Governors). The identity of the whistleblower should not normally be disclosed to the Headteacher/Chair of Governors without the whistleblower's consent. If the Headteacher (or Chair) is notified of the identity of the whistleblower and the role of investigating manager is delegated to another person, the identity of the whistleblower will not be disclosed to the investigating manager without the whistleblower's consent.

- 2.3.3. If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of their identity. This seeks to preserve the anonymity of the whistleblower while the concerns are investigated.

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- 2.3.4.** In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g. the Police or the External Auditor. Where the matter is referred to the Department of Education, they may discuss with the Chair of Governors and/or Headteacher (as appropriate) the support that may be provided to undertake the investigation or the possibility of an independent enquiry being commissioned involving people from outside the school.

2.4. INVESTIGATION

2.4.1. Outset

The investigating manager must have had no involvement in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.

Should any further information be required from the whistleblower, the investigating manager will discuss this with the named contact (see paragraphs 2.2.1 and 2.2.3), who will be responsible for contacting the whistleblower.

2.4.2. Conclusion

At the conclusion of the investigation, the manager may wish to make recommendations, or there may be action required under other employment policies.

Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying the Headteacher or Chair of Governors as appropriate.

Where action under the Disciplinary Policy is recommended, the investigating manager will present the management case at the Disciplinary Hearing.

2.4.3. Notification

The investigating manager must forward a copy of their report to the person who referred the case to them, along with a note of any further action proposed.

2.5. CONTACT WITH THE WHISTLEBLOWER

- 2.5.1.** Once an individual has reported a concern, there should not be a need for any further input from them during the process, except as set out at paragraph 2.3.3 and 2.4.1.

- 2.5.2.** The person to whom the whistleblower raises the concern should consider whether further support for or liaison with the whistleblower is appropriate and take any steps necessary.

- 2.5.3.** The whistleblower will be provided with any feedback on the final outcome which is appropriate. This may mean that the whistleblower does not receive any feedback beyond an acknowledgement that their concerns are being considered.

2.6. ALLEGATIONS NOT MADE IN GOOD FAITH

Concerns that are raised frivolously, maliciously, for personal gain, or where they are known to be untrue, may result in disciplinary action.

2.7. ANONYMOUS REPORTS

Whistleblowers are encouraged to give their name when raising a concern. The identity of whistleblower will be protected as outlined in paragraph 2.2. A concern expressed anonymously is often more difficult or impractical to investigate thoroughly. Consequently, anonymous reports will be considered at the discretion of the person to whom the matter is reported.

2.8. RAISING A CONCERN EXTERNALLY

- 2.8.1.** The School strongly discourages staff from raising concerns externally in the first instance, and instead wishes to foster confidence in the internal reporting mechanisms set out in this Policy.

- 2.8.2.** However, the School would prefer that employees raise issues with an appropriate external contact than not at all. If staff choose to follow this route then, providing that they have a reasonable belief, are acting in good faith and have evidence to back up their concern, they may wish to contact one of the following:

- a relevant prescribed regulatory body (see paragraph 4)
- the Police.

- 2.8.3. Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act.

2.9. CONFIDENTIAL HELPLINE

Public Concern at Work is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If employees are unsure about whether or how to raise a concern, or if they want confidential advice, they can contact Public Concern at Work (see paragraph 3). Their lawyers offer free, confidential advice to callers.

2.10. MONITORING

A report of whistleblowing monitoring information will be presented to the Governing Body on an annual basis.

2.11. IF STAFF ARE DISSATISFIED

- 2.11.1. Whilst the School cannot guarantee that it will respond to all matters in the way which staff reporting them may wish, it will endeavour to handle matters fairly and properly.
- 2.11.2. If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, they can refer to the other levels and named bodies within this procedure.
- 2.11.3. Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy have the right to lodge a grievance under the School's Grievance and Fair Treatment Policy.

3. Other Relevant Information

- 3.1. A variety of school policy documents may be relevant. Reference may be made to the school's Staff Handbook.

3.2. OTHER INFORMATION

- For information on the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996, visit the Office of Public Sector Information website at: www.opsi.gov.uk.
- For further information about Public Concern at Work please visit their website at: www.pcaw.co.uk/index.html. Their telephone number is 020 7404 6609. To access their confidential helpline, please call their main number or email them at helpline@pcaw.co.uk.

4. List of Relevant 'Prescribed Persons'

- 4.1. Staff who feel unable to raise a concern with one of the people listed at paragraphs 2.2.1 - 2.2.3 may wish to disclose the matter to a prescribed regulatory body. In doing so, staff must be acting in good faith and have a reasonable belief that the matter is true.
- 4.2. The full list of prescribed regulatory bodies is set out in the 'Public Interest Disclosure (Prescribed Persons) Order' 1999 or as amended.
- 4.3. www.opsi.gov.uk/si/si1999/19991549.htm.

5. Retention and Data Protection

As part of the application of this policy, the School may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Records will be kept in accordance with our Privacy Notices, our Retention and Destruction Policy and in line with the requirements of the **Data Protection Legislation**.

6. Reviewing

This policy is reviewed every three years by the School in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.